

# BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, February 20, 2003

Chairperson Smith called the meeting to order at 7:00 p.m., with a quorum present. Roll Call was taken by Commissioner Sloan.

Present:	Pat Smith, Chairperson	Perche Township
	Michael Caruthers, Vice-Chairman	Centralia Township
	Mary Sloan, Secretary	Rocky Fork Township
	Mike Morgan	Bourbon Township
	Kristen Heitkamp	Missouri Township
	Keith Neese	Columbia Township
	David Mink, Director	Public Works

Absent:	Carl Freiling	Cedar Township
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Also present:	Stan Shawver, Director	Bill Florea, Staff
	Thad Yonke, Staff	Paula Evans, Staff

The minutes of the December 19, 2002 meeting were approved with no corrections. Approved by acclamation.

Chairperson Smith read the procedural statement which stated that the Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The Commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes two conditional use permits, five rezoning requests, and five subdivision plats. One rezoning request is associated with a conditional use application; consequently the Commission will consider the rezoning request and its related conditional use permit at the same time.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, they are authorized by the Missouri State Statutes to follow their own by-laws. The by-laws provide that all members of the Commission, including the Chairperson, enjoy full privileges of the floor. The Chairperson may debate, vote upon or even make any motion.

The following procedure will be followed for the conditional use permits and the rezoning requests:

The agenda item will be announced, followed by a report from the Planning Department Staff. At that time, the applicant or their representative may make a presentation to the commission. The Commission may request additional information at that time, or later following the hearing. After the applicant's presentation, the floor will be opened for anyone wishing to speak in support of the request.

Please give your name and mailing address when you address the commission. We also request that you sign the sheet on the staff table after you testify.

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the Commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. The agenda tonight is lengthy, and while we wish to extend an opportunity to everyone that wishes to speak, we ask that you not be repetitious with your remarks. We also recognize that many issues can be quite emotional. In that regard we ask that you refrain from applause or other signs of support or displeasure. Please afford those with a different point of view from you own the same respect and consideration you would like to be shown yourself.

After those opposed to the request have had an opportunity to speak, the applicant will have a chance to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the Commission. The Commission will then discuss the matter and may ask questions of anyone present during discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the County Commission. Please note that the Boone County zoning regulations and subdivision regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, March 4, 2003. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. The County Commission hearing scheduled for Tuesday, March 4, 2003 will begin at 7:00 p.m. and will convene in this same room.

## **CONDITIONAL USE PERMITS**

1. Request by Gary R. Jolley for self-storage units on .69 acres zoned C-G (General Commercial) located at 5711 N Hwy 763, Columbia.

Planner, Bill Florea gave the staff report stating that the property is located north of the Columbia city limits on Highway 763. There has been a filling station and automotive repair shop on the property, the zoning is C-G which is the original zoning. The applicant intends to demolish the existing structures and replace them with self-storage units. Warehousing, including self-storage, requires a conditional use permit in the C-G district. No previous requests have been submitted for this tract. Staff notified 13 property owners of this request.

Before recommending approval of a conditional use permit the Commission must satisfy itself that the following criteria have been met.

- a. The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

- b. The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.
- c. The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.
- d. All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.
- e. The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
- f. The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.
- g. The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

As to criteria A, there is no internal circulation. The aisles between the buildings are 15 to 16 feet wide and 100-feet deep with an outlet at only one end. This will create circulation problems for patrons and for emergency vehicles. Vehicles accessing the rear portion of the buildings will be required to either back in to or back out of the access lanes. Comments received from the Missouri Department of Transportation (MoDOT) raise concern that the close proximity of the buildings combined with the lack of internal circulation will lead to vehicles backing in to the right of way and or road way which is an unacceptable condition. For the reasons outlined above the proposal endangers the public health and safety.

As to criteria B, there is no indication that the use will be injurious to the use and enjoyment of other properties in the immediate vicinity.

As to criteria C, the proposed use should not have a negative impact on property values in the vicinity.

As to criteria D, all necessary facilities appear to be available.

As to criteria E, the proposed use should not impede the regular development of surrounding property for uses allowed by the zoning regulations.

As to criteria F, the MoDOT has outlined the following concerns. A lot of this size should only need one full access point meeting MoDOT standards. The site plan shows two access points each approximately 70-feet wide. MoDOT is currently developing plans for the improvement of highway 763. Those plans identify right of way width of approximately 75-feet on each side of the existing center line and a median will be constructed that will allow only right turns in and right turns out of this site. The purpose of the improvements contemplated by MoDOT is to improve the flow of traffic and reduce congestion. The site plan does not take the improvement plan into account as evidenced by the location of the buildings in relation to the right of way and the proposed access points. Since the plan proposed by the developer is in conflict with plans being developed by MoDOT and it can be concluded that approval of the conditional use permit will hinder the flow of traffic. The lack of a system of

internal circulation will also serve to hinder the flow of traffic and create congestion on the public road system.

As to criteria G, there is no indication that there is a public necessity for the proposed conditional use permit.

Staff recommends the conditional use permit be denied for failure to meet criteria A, F, and G. If the Commission recommends approval of the conditional use permit staff recommends the following conditions:

1. The site plan shall be modified so as to provide a system for internal vehicular circulation. Said plan must be approved by the County Planning Department and the MoDOT prior to issuance of any building permits on the site.
2. The point of access shall be modified to the approval of the MoDOT.
3. The developer shall construct a stormwater control system designed by a professional engineer that prevents the diversion of any additional drainage on to the MoDOT right of way other than that which currently exists.

Present: Gene Basinger, surveyor, 300 St. James St., Columbia  
Gary Jolley, 5711 N. Highway 763, Columbia.

Mr. Basinger stated that he has been asked to speak on behalf of the Jolley's on this proposal. Mr. Basinger stated that he didn't have a lot of comments as far as what was provided to the Commission on this project. This is the first Mr. Basinger has heard of any problems as far as MoDOT is concerned. At this present time as far as the circulation on the internal part of the property on the plan that was prepared there is none. There are two drive entrances that allows for circulation there. The applicants see no reason why there would be any kind of vehicles backing out on to the highway as it presently is. The applicants haven't been provided with any plans as far as specific plans. Therefore, the applicants haven't had an opportunity to develop a plan that would conform to what MoDOT wants. The applicants would be willing to try and do that depending on what they give the applicants. At this time the applicants don't have a plan that is set in stone; they just have a proposal. The applicants haven't received comments from staff so the applicants don't know anything about it.

Open to public hearing.

No one spoke in favor of or in opposition to the request.

Closed to public hearing.

Chairperson Smith asked the applicants if they were saying that this addition is not going to change the traffic patterns that are there right now as far as people coming and going.

Mr. Basinger stated that as far as what is there right now it wouldn't. The property currently has two entrances to it. As far as the highway is concerned applicants doesn't see that there would be a difference.

Commissioner Morgan asked how many people are expected to use the facility.

Mr. Basinger stated that he had no idea as he has no expertise on the matter. Mr. Basinger stated that his opinion is that the traffic would be pretty minimal.

Commissioner Morgan stated that he can't believe that there isn't going to be a traffic problem there.

Commissioner Caruthers stated that the owners have not done a business plan that might give a better idea or closer approximation of traffic studies.

Mr. Basinger stated that he is not aware. Mr. Jolley may be able to tell more about that.

Mr. Jolley stated that pulling in and out of there is not a problem and never has been. You can come in from the north or from the south; the business will still remain there regardless of what the outcome is. Mr. Jolley stated that he is just trying to improve the property and is getting too old to fool with it but it will remain as it is and would like to clean it up and do something else with it.

Commissioner Caruthers asked if the applicant had owned the property long.

Mr. Jolley stated yes.

Commissioner Sloan asked the applicant if they were not aware of the MoDOT objections.

Mr. Jolley stated no, they have been by there many times and has never heard of anything like that.

Mr. Basinger stated that the applicants had received no comments from them; they hadn't received a plan or proposed plan or anything for that area.

Commissioner Sloan asked staff when they received their information.

Mr. Florea stated that staff got information from MoDOT; staff solicited their opinion.

Commissioner Sloan asked if that information was submitted to the applicants.

Mr. Florea stated no. Staff was unaware that Mr. Basinger was representing the application and didn't pass the information on to Mr. Jolley.

Commissioner Sloan stated that there are five different storage units of different sizes and the concern is the traffic flow through those buildings. If the applicants were to reduce the size of those buildings or maybe eliminate one of them or change the configuration would that improve the access through there.

Mr. Florea stated that either of those options would probably work; reduction in the size of the buildings or reduction in the number of buildings. There may be a different orientation that would work. The concern is that there should be provision made for vehicles towing trailers to exit the property in a forward motion.

Mr. Jolley stated that with the two driveway entrance and exits that would work.

Mr. Florea stated that MoDOT probably is not going to allow that. They are saying that they want the applicants to have one exit. It may not work that way. Mr. Florea stated that he is not sure how you would get a trailer down other than to back it down the access aisle or out the access aisles.

Mr. Jolley asked what would be proposed for a trailer. The unit would be open in the front where you could pull up and back down either one of those aisles without blocking any entrance to the highway.

People come through there everyday and some of them cut through the parking lot going 50 miles per hour. At this time if you pull up to the front you would be able to go down any aisle you want without blocking anything. It is laid out like a "U".

Commissioner Caruthers asked staff that any substantial changes to this proposal as is would constitute a major change and therefore nullify this proposal.

Mr. Florea stated that it is a conditional use permit so it is not looked at in light of that. If the applicants were to reconfigure the site plan there is two ways to go about it. If the Commission were to approve the request tonight as noted in the staff report, staff recommended some conditions if the Commission did choose to approve those being that the applicants be required to submit a modified site plan for approval by the department and MoDOT and the Commission could authorize staff to administratively approve that or if the Commission chooses to deny the request the applicants could be required to come back and bring a new plan to the Commission for their review.

Chairperson Smith stated that there is a lot of traffic on that highway and it is bothersome that MoDOT has any concerns at all.

Commissioner Neese stated that he has a problem of the distance between the buildings; the 15 to 16-feet because it would be impossible for a truck or even a pickup truck to back in and not block the driveway. Also when you come between the buildings it appears there is going to be a site problem with the distance that it is showing. That is an issue that should be addressed.

Mr. Jolley stated that he could probably back two semis in there and park them beside each other.

Commissioner Neese stated that no one else would be able to get in.

Mr. Jolley stated that there are only two spaces and they are going to be backed up to the end of the lot.

Commissioner Neese stated that the spacing that is shown on the plan would be blocking and it would be difficult for someone who had a trailer on the back of a car to pull around. It is awfully tight.

Commissioner Caruthers made a motion to deny the request based on the failure to meet the conditional use criteria A, F, and G. Commissioner Caruthers suggested to the applicants that they talk to MoDOT and come back before the Commission.

Commissioner Caruthers made and Commissioner Mink seconded a motion to **deny** the request by Gary R. Jolley for self-storage units on .69 acres zoned C-G (General Commercial) located at 5711 N Hwy 763, Columbia.

Pat Smith – Yes

Mike Morgan – Yes

Mary Sloan – Yes

Kristen Heitkamp - Yes

Mike Caruthers - Yes

Keith Neese - Yes

David Mink – Yes

Motion to deny request carried unanimously.

Chairperson Smith informed the applicants that if they wished to appeal this matter to the County Commission an appeal form would need to be submitted within 3 working days.

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- 2. Request by C. T. Wilson Family Trust on behalf of Green Valley Rifle & Pistol Club, Inc. for a rifle range on 35 acres located at 4200 Academy Rd., Hallsville.

*See related staff report under rezoning request.*

*Also see discussion and public hearing under rezoning request.*

Mr. Shawver stated that if the Planning and Zoning Commission chose to deny the conditional use permit he asked that the Commission discuss the conditions in case that the applicants decided to appeal to the County Commission. There should be a record of a discussion of the conditions and the Planning and Zoning Commission may want to add to or subtract from the conditions on the chance that the County Commission decided to approve the request.

Commissioner Sloan made and Commissioner Heitkamp seconded a motion to **deny** the request by C. T. Wilson Family Trust on behalf of Green Valley Rifle & Pistol Club, Inc. for a rifle range on 35 acres located at 4200 Academy Rd., Hallsville.

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| Pat Smith – Yes        | Mike Caruthers - Yes  |
| Mike Morgan – Yes      | Keith Neese - Abstain |
| Mary Sloan – Yes       | David Mink – Yes      |
| Kristen Heitkamp - Yes |                       |

Motion to deny request carries.

Chairperson Smith informed the applicants that if they wished to appeal this decision to the County Commission an appeal form will need to be filed within 3 working days.

**REZONING REQUESTS**

- 1. Request by William and Linda Crane to rezone from A-1 (Agriculture) to A-2 / PRD (Agriculture Planned Residential Development) and to approve a Review Plan for Crane’s Acres on 11.64 acres, more or less, located at 11657 E Englewood Rd., Ashland.

Planner, Bill Florea gave the staff report stating that this tract is located 5 miles northeast of Ashland. The property is zoned A-1 (Agriculture), as is all of the surrounding property. This request is to rezone 11.64 acres to A-2 so that the applicants may create a family transfer of land to their son. There is a house, barn and shop on the property. This site is located within the Southern Boone R-1 School District. Boone Electric Cooperative provides electric service. Consolidated Public Water District No. 1 provides water service.

The original zoning for this tract is A-1. In 1989 the applicants received a conditional use permit for an agri-business to allow processing of a limited number of livestock and the processing of deer. A request to rezone the property to A-2 was submitted in December 2002 with the intent to re-submit a request for rezoning to A2-PRD with a review plan.

The master plan designates this area as being suitable for agricultural and residential land uses. Staff notified 9 property owners concerning this request.

The Master Plan calls for the use of a "Sufficiency of Resources Test" when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner. The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

Utilities: Boone Electric Cooperative and Consolidated Public Water District No. 1 serve this site. The applicant's intent is to create one lot through a family transfer, which will have minimal impact on these utilities. The existing residence uses an individual on-site wastewater system. If approved, a similar system will be built for the new home.

Transportation: Access to the site is from Englewood Road, a county maintained road. One additional residence will have minimal impact on this road.

Public Safety: The property is in the Southern Boone County Fire Protection District. A district fire station is located inside the city of Ashland, approximately 9 road miles from this site. This would be a concern for dense residential development, but one additional dwelling should be of minor concern from a public safety point of view.

There has been recent concern expressed by the Commission in regards to converting land from A-1 to A-2. While an individual rezoning may appear to have a limited impact on the overall area, the commission has noticed a tendency for additional requests once an initial rezoning is granted. The purpose of this request is so that a 2.5-acre tract can be created for a family transfer. The concern with the proposal submitted in December 2002 was that once the land is rezoned, the entire property could be subdivided into as many as 4 lots. As a planned development, any division of the property will be controlled by the development plan. The proposed plan shows the property being divided into two lots, which will allow only one additional dwelling unit.

Staff recommends approval of the rezoning and review plan.

Present: William Crane, 11657 E. Englewood Rd., Ashland.  
Linda Crane, 11657 E. Englewood Rd., Ashland.

Mr. Crane stated that all the surrounding property owners have been notified. Some of the neighbors called the Commissioners directly. The separate tract of land is not useful to the owners and is available for utilities; applicants would like to give the property to their son so he can build a home. The adjoining neighbor has already given permission to use his driveway temporarily until the applicants can get things set so access to the property is not a problem.

Open to public hearing.



Present speaking in favor of the request:

Deborah Harmon, 11951 E. Englewood Rd., Ashland.

Ms. Harmon stated that she is a neighbor of the applicants and although the property is zoned agriculture the area is really more a family area where people live generation after generation. Ms. Harmon stated that she feels the applicants son should come back home and that would be the best use of the property.

John Crane, son of applicants, 2430 County Road 269, Columbia.

Mr. Crane stated that if this request is approved the property will be transferred to applicants son so he can build a house for his family and raise his family at home.

Ed Holt, 10601 Hardwick Lane, Columbia.

Mr. Holt stated that he has known the applicants for about 10 years. Mr. Holt stated that it is his opinion that if the applicants want to give their son some land then he should have the right to.

No one spoke in opposition to the request.

Closed to public hearing.

Commissioner Neese asked if there was room for a lagoon on the property.

Mr. Crane stated that there is plenty of room.

Ms. Crane stated that the lagoon is on the diagram.

Commissioner Sloan asked staff that when the applicants were before the Commission in December 2002 the Commission had asked the applicants to change things. Have the applicants done what was asked of them.

Mr. Florea stated that he believes that this plan is what the Commission was looking for.

Commissioner Caruthers, noting the show of support and lack of opposition, made a motion to approve the request.

Commissioner Caruthers made and Commissioner Mink seconded a motion to **approve** the request by William and Linda Crane to rezone from A-1 (Agriculture) to A-2 / PRD (Agriculture Planned Residential Development) on 11.64 acres, more or less, located at 11657 E Englewood Rd., Ashland.

Pat Smith – Yes

Mike Caruthers - Yes

Mike Morgan – Yes

Keith Neese - Yes

Mary Sloan – Yes

David Mink – Yes

Kristen Heitkamp - Yes

Motion to approve request carried unanimously.

Commissioner Neese made and Commissioner Caruthers seconded a motion to **approve** the request by William and Linda Crane to approve a Review Plan for Crane's Acres on 11.64 acres, more or less, located at 11657 E Englewood Rd., Ashland.

Pat Smith – Yes	Mike Caruthers - Yes
Mike Morgan – Yes	Keith Neese - Yes
Mary Sloan – Yes	David Mink – Yes
Kristen Heitkamp - Yes	

Motion to approve request carried unanimously.

Chairperson Smith informed the applicants that this matter would go before the County Commission at 7:00 p.m., March 4, 2003.

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2. Request by Kevin and Carey Nahler to rezone from A1 (Agriculture) to M-LP (Planned Industrial) and to approve a Review Plan for Dierker and Dent Industrial Park on 9.82 acres, more or less, located at 10425 Hardwick Ln., Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located on the east side of Highway 63 and west of Hardwick Lane approximately 1200 feet south of the intersection of State Route H and Hardwick Lane. There is no private property to the north between this site and the intersection, it is all ROW. This property is located approximately 3/4 of a mile north of the recently altered Ashland municipal limits. The current zoning for the site is A-1 (agriculture) and is an original 1973 zoning. The property to the immediate south is zoned M-LP which was rezoned from C-GP (planned commercial) in April of 2001. The C-GP was rezoned from A-1 (agriculture) in 1991. All the other surrounding zoning is A-1 and these are all the original 1973 zonings. The property is currently vacant. This request is to rezone the property to M-LP (planned industrial) and to approve a review plan for 3 buildings of 3000 to 5000 square feet, a contractor's storage yard, and a greenhouse and agricultural area. The application indicates that the requested uses are limited to contractor's buildings and storage yards, agricultural activity and retail sales of plant material, landscape and related materials. A note indicating these uses needs to be added to the review and final plan and that it be recognized that any change in use from that proposed will require submission of a new review plan. This site is within the Southern Boone County School District and the Southern Boone County Fire Protection District. The site is located in Boone Electric Cooperative and Consolidated Public Water Service District #1 service areas. Water service and fire hydrants are required for this land use. There is a 4" waterline located near the east property line as shown on the proposed review plan. Fire hydrants are required and waterline upgrades may be needed. Sewage is proposed to be by a sub-surface engineered wastewater system that will be regulated by the Health Department. The Health Dept. has concerns with respect to the area proposed for the lateral fields and soil conditions. These issues will have to be resolved to the satisfaction of the Health Dept. Any wastewater system will have to be engineered. No direct access to highway 63 is allowed and any driveway relocation will need to be worked out with County Public Works as appropriate. The site does drain to Bass Creek and staff does have concern with respect to water quality and stormwater issues. This issue brings into question whether the proposed review plan is too intensive a use for this property. If approved, the review plan should be subject to an engineered stormwater and erosion control plan approval from the NRCS. The NRCS has expressed concerns with

regards to 2 issues. The first is that the creek shown on the plan is a tributary to Bass Creek and a riparian buffer should be established for the tributary. Immediately north of proposed building 2 is a fairly steep slope that breaks into a flatter slope toward the ridge. Construction should be kept off the steeper slope above the creek channel. The second issue is that the driveway for building 3 should be relocated to the north of building 3 so as to preserve and limit impact on the riparian buffer for the tributary. The landscaped screening areas are shown as a single row of trees. Staff feels that this buffer will not be adequate and a minimum of two rows of evergreen trees at an average spacing of 15 feet triangulated on center should be required on both the east and west sides of the proposed storage yard. All internal drives and parking areas will need to be a minimum of chip seal surface. The billboards should be eliminated from the plan. Additionally, the commission needs to look at whether or not to eliminate the business signage along 63 in order to not create a de-facto billboard. At the very least this signage should be limited in size, height, and no be allowed to be lighted in any way. In any rezoning request it is incumbent upon the applicant to show that the requested zoning is more appropriate than the existing zoning. Additionally, the Master Plan calls for the use of a "Sufficiency of Resources Test" when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner. The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

Utilities: All necessary utilities can be provided in an efficient manner with the exception of sewage disposal and stormwater/erosion control. The details of these issues will need to be further investigated.

Transportation: The existing public road network in the area should be sufficient to handle the proposed traffic.

Public Safety Services: The property is in the Southern Boone County Fire Protection District. There is a district fire station located within 5 road miles of this site.

The master plan designates this area as being suitable for agricultural and rural residential uses. The proposed use is not consistent with the master plan. However, the existing M-LP zoning to the south is also not consistent and the master plan does indicate that where commercial and industrial development is to occur it should be planned. Staff does believe that a limited planned commercial/industrial node is appropriate at this location but would not support continuous strip development of the highway 63 corridor. The request scores 66 points on the point rating scale. Staff notified 7 property owners.

Staff recommends approval of both the rezoning and review plan subject to the following 9 conditions.

1. That the uses be listed as a note on the face of the review and final plan; these uses are contractor's buildings and storage yards, agricultural activity and retail sales of plant material, landscape and related materials.
2. That it is recognized that all drive and parking areas are required to be a minimum of a chip seal surface. Also, that parking is diagrammatic on the plan and that additional parking may be required by the actual size and use of the buildings.
3. That the landscape screening/buffer area should be a minimum of two rows of evergreen trees at an average spacing of 15 feet triangulated on center on both the east and west of the storage yard.
4. That an approved landscaping plan be binding and that all planting and buffering be maintained in good condition at all times. Any planting materials that die or are not providing proper buffering will be replaced no later than the next growing season with plantings that will provide the required buffering equivalent.

5. That an engineered stormwater and erosion control plan be acceptable to the NRCS, County Public Works, and Planning Departments which will include a riparian buffer along the creek tributary and relocation of the drive to building 3. The width of the riparian buffer to be worked out with the planning director and will need to be shown on the review and final plans.
6. No Billboards be allowed on the site.
7. That the engineered wastewater system be acceptable to the Health Dept. and Director of Planning and that if an acceptable solution cannot be reached the approval of the development is void and will require redesign and resubmittal and approval of a revised review plan.
8. That the business signs along highway 63 be eliminated, or that a single business sign limited to ground mounted signs of no larger than 80 square feet with a height no higher than 12 feet to the highest point on the sign, and that the signs not be illuminated in any manner be allowed for the entire site and that such single sign be located at one of the three potential business sign locations.
9. That all lighting on the site be shielded and focused inward and downward.

Present: Kevin Nahler, property owner, 14510 S. Kidwell Ct., Columbia.  
Philip Dierker, potential buyer, 311 Rockingham Dr., Columbia.  
Shawn Dent, potential buyer, 1102 Brookdale Ct., Columbia.

Mr. Nahler stated that part of this rezoning goes back quite a few years. Mr. Nahler stated that he went through one process before and asked for planned commercial but not change the physical use; the request was approved by the Planning and Zoning Commission but tabled by the County Commission, they wanted the applicants to come back with a plan. At one time Mr. Nahler stated that he was planning on building some houses on there and it was stated that on the master plan that there shouldn't be houses there. Mr. Nahler stated that he is coming back with what was requested of him before.

Chairperson Smith asked Mr. Nahler how long he owned the property.

Mr. Nahler stated about seven years.

Commissioner Caruthers asked who the engineer is for the sewage issue.

Mr. Dierker stated that the engineering firm that has been hired is working on an engineered sewage system which would be zero runoff; a drip irrigation system is what the engineer is referring to. Applicants had the soils tested and the soil scientist suggested one of two types. The expected use is less than a normal residence, but there will be an engineered system.

Commissioner Heitkamp asked if the applicants will be watering the plants.

Mr. Dierker stated yes.

Commissioner Heitkamp stated that the applicants will have a green house and will be watering plants in the greenhouse. The applicants have agricultural activities and things of that nature and will probably have a drip irrigation system using water.

Mr. Dierker stated perhaps, yes.

Commissioner Heitkamp asked if there is water going to the buildings.

Mr. Dierker stated that is correct.

Commissioner Heitkamp stated that the water usage would be commercial water usage rather than equivalent to a residential use.

Mr. Dierker stated that he was referring to the sewage.

Mr. Nahler stated that the applicants probably won't use more than 1000 gallons a month.

Commissioner Neese stated that there will be retail sales there.

Mr. Dierker stated yes.

Commissioner Neese stated that the applicants would be bringing people on the site. The water usage seems like it would be more than 1000 gallons per month.

Mr. Dierker stated that the applicants asked for this type of zoning under advisement from staff to have the option of onsite retail sales. Mr. Dierker stated that it was his understanding that it is usable with the current zoning but to have that option. The applicants would view retail sales by appointment only.

Commissioner Caruthers stated that if the applicants are not looking for a high volume then why was this particular piece of property selected as it is along a major road.

Mr. Dierker stated that he believed the value was there; access and cost factor. Mr. Dierker stated that he would like to address some of the conditions the staff recommended. As far as the landscape screening buffer area; the applicants intend to maintain a 25-foot perimeter setback around the entire property. With regards to the evergreens on either side of the proposed storage yard, there is a bluff along the west side of the property which is somewhat elevated above highway 63. The neighboring property to the south you can't really see any of the buildings from the road. Mr. Dierker stated that he would also question as far as the landscaping plan, number 4 on staffs conditions. The applicants have no problem with maintaining a riparian buffer as far as where the stream is. Applicants would ask if the billboards were to be removed from the review plan that a single business sign would be permitted at the suggested size.

Commissioner Mink asked if there were going to be restrooms in all three buildings.

Mr. Dierker stated yes. The intent for all three buildings to have restrooms; the wastewater will be built to handle all future capacity. At this time applicants only have plans for building number one.

Commissioner Mink asked the applicants what types of things will be stored in the storage yard.

Mr. Dierker stated landscape materials, mulch, perhaps gravel, plants temporarily, job materials, and equipment.

Commissioner Caruthers asked what sort of equipment.

Mr. Dierker stated a small mini-skid loader, lawn mowers, trailers and trucks. Mr. Dierker stated that applicants plan to park the vehicles and equipment indoors.

Commissioner Caruthers asked if the applicants plan to fertilize the plants.

Mr. Dierker stated yes, if the applicants were to plant them. Any fertilizer to be used will be organic based. For agriculture activity any plants would be bulb and burlap tree production.

Commissioner Caruthers stated that the applicants are starting a 2 1/2-inch Japanese maple; Commissioner Caruthers asked what the fertilization schedule would be for that.

Mr. Dierker stated that he didn't have that information at this time.

Commissioner Heitkamp stated that without doing retail sales and what the applicants are planning to do is an agri business it could be done in A-1 zoning.

Mr. Dierker stated that is his understanding.

Mr. Yonke stated that within limitations that is correct. Agriculture activity with growing plants on the site and retailing those plants that are grown on site and a limited amount of landscaping contracting as part of that can be an agricultural activity. Staff did advise the applicants since they had future plans that this is a more appropriate route to take rather than making an investment in the other that has a limited cap of what they can do on the site.

Mr. Nahler stated that some stuff is bought and brought in to sell.

Mr. Yonke stated that could not be done under the agri business. With the change of zoning the applicants can work with other farms and other areas around and bring in other material and sell it and that is why staff recommended that the applicants come in for a change of zoning.

Commissioner Heitkamp stated that if the applicants were to pursue an agri business under A-1 zoning would the applicants still be required to present an engineered wastewater system.

Mr. Yonke stated that because of the nature of this site being a sensitive water shed area and being a commercial business coming in it would have to be an engineered wastewater system.

Commissioner Heitkamp stated that if the applicants built one building and they used the rest of the landscaping storage and growing what would the applicants have to do for sewage.

Mr. Yonke stated that the applicants would have to work that out with the Health Department. The Health Department could determine that the applicants still need an engineered system, but they may not.

Commissioner Heitkamp asked how the soil tests came back.

Mr. Yonke stated that staff has not received that information.

Commissioner Heitkamp stated that there are no soil tests on this site and we don't know what sort of engineered sewage system is proposed.

Mr. Yonke stated that it would be a sub surface system of some sort; the details just haven't been worked out. Mr. Yonke stated that he understands that the applicants have contracted with an engineer to work on that.

Open to public hearing.

Present speaking in favor of the request:

Ed Holt, 10601 Hardwick Lane, Columbia.

Sharyn Holt, 10601 Hardwick Lane, Columbia.

Mr. Holt stated that he is the one with the light industrial zoning south of the proposed property. Mr. Holt stated that he didn't know if he was for or against the request. Mr. Holt stated he has no objection to the project but has concerns about the types of buildings. Are they sheds or buildings? Mr. Holt stated that he has invested in a storage business out there and has spent a fair amount of money to try and make it look nice and would like a description of the types of buildings. Mr. Holt stated that the recommendations from staff are consistent and appropriate.

Chairperson Smith asked Mr. and Mrs. Holt if they were in support of this request.

Mrs. Holt stated yes, they are in support. Primarily her interest is in trying to promote their business and in support of the applicants business as well but at the same time Mrs. Holt would like to see the standards upheld.

No one spoke in opposition to the request.

Closed to public hearing.

Commissioner Mink stated that he had questions about the staff conditions. Commissioner Mink asked if there was a minimum size for the evergreen trees noted in condition number 3.

Mr. Yonke stated that is the standard when staff doesn't see a formal landscape review plan the standard is two rows of trees and the applicants can plant either the saplings or a 6-foot standing depending upon what direction the Commission gives. Staff does not pretend that it is made to be attractive it is made to be a buffer. When a landscaping plan that is specifically proposed is done that seems to provide buffering the staff doesn't recommend that condition but when there is not a lot of screening capacity in a landscaping plan then the staff goes with the standard. Staff would be happy to have that condition negated in favor of an approvable landscaping plan then the applicants could do something a little more creative.

Mr. Nahler stated that there are existing trees around the site now.

Mr. Yonke stated that the existing trees typically get cleared in many cases and can be cleared without any condition on the plan and not have anything put back in its place unless staff makes the condition.

Commissioner Mink stated that on condition number 8 it looks like there are two options, one is eliminate both signs on the highway side which leaves the one which then doesn't have any limitations on that or they could have these limitations and put it at any of the locations.

Mr. Yonke stated that this is what staff was looking at; if it is on the other side there is going to be some practical limitations for how big a business sign would be and some standard height limitations. What we are looking at in terms of no larger than 80 square feet is in the proposed signage regulations that will be put in place with the new changes as a planned development. One business sign will be the limit for any site as a free standing sign. If the Commission were comfortable with letting the applicants have signage potentially along Highway 63 then staff doesn't care which of the three locations, or if the

Commission doesn't want any of the signs along highway 63 to keep it less of a contact from 63 and more facing Hardwick lane then the business signage could be eliminated.

Commissioner Mink stated that he would like a clarification on the illumination.

Mr. Yonke stated that illuminated signs are going to be prohibited under the sign regulations.

Commissioner Mink asked if there were some kind of site illumination.

Mr. Yonke stated that the lighting being inward and downward; staff would anticipate they would have dusk to dawn lights or other site security lighting on the site and that lighting be inward and downward. Signs will not be allowed under the sign regulations to be either internally lit nor flood light lit.

Commissioner Heitkamp asked Mr. Holt what kind of lighting the storage units have.

Mr. Holt stated that they don't have a sign they have one sign on the plan facing highway 63.

Commissioner Heitkamp stated that for the Holt's to get a sign they would have to come back through the sign ordinance.

Mr. Yonke stated that it would depend. If a sign was shown on the plan that was approved then it would be approved subject to whatever conditions were placed upon it at that time. That is why staff made recommendations specifically on the types of signage here so that it get clarified because when the sign regulations go in to effect those would regulate all signs from that point forward.

Commissioner Neese asked what type of buildings are going to be built on site.

Mr. Dierker stated probably steel buildings; warehouse/shop/garage with indoor storage for trucks and equipment and office space.

Commissioner Caruthers asked if these would be totally enclosed facilities.

Mr. Dent stated yes; they would also be name brand buildings with matching color and trim.

Chairperson Smith asked how close this site was to Columbia.

Mr. Dierker stated that it was approximately 4 miles to the Ashland exit.

Mr. Yonke stated that he would like to point out that for being a lay review plan, not prepared by a professional agency, it was a very good review plan and the applicants have been very good to work with, they are just not familiar with all of the things that are dealt with on it. Applicants have tried to work with staff on everything else.

Chairperson Smith stated that the thing the Commission has to ask themselves when a rezoning is being requested is, is this an appropriate land use for that area. More specifically, is this a more appropriate use than what it is currently? Whenever this many staff conditions are on the staff report for a rezoning request; it says that maybe this is not appropriate. Chairperson Smith stated that if the Commission were to approve this request the Commission should add some of the same conditions that were put on for Columbia Curb and Gutter and one of those was that any change of use other than the use stipulated on this plan requires the filing of a new review plan.



Mr. Yonke stated that would be more of a clarification because that is covered by condition number one.

Chairperson Smith stated that the Commission has to look at whether this use is too intensive for the area. It is very visible on highway 63; it is an ecologically sensitive area.

Mr. Nahler stated that he had thought before about putting a house or so on there.

Chairperson Smith asked how many houses.

Mr. Nahler stated that they didn't even want one because the area was considered light industrial commercial use when he went through the Commission before.

Chairperson Smith asked which Commission Mr. Nahler went through.

Mr. Nahler stated that he asked for commercial zoning and went through the Planning and Zoning Commission and they approved it and it was forwarded to the County Commission and they tabled it and told him to come back with a plan. Before that Mr. Nahler wanted to put a house on it and they said they wouldn't want any houses at all there; due to the airport expanding they didn't want anymore houses there to deal with.

Mr. Shawver stated that they didn't say no houses at all; the current zoning is A-1. In 1993, Mr. Nahler asked for A-2 zoning splitting the property in to four lots. The Planning and Zoning Commission thought it was a better use to seek commercial zoning, they didn't say that he couldn't build any houses, they said he could build one house there. Mr. Nahler returned and submitted an application for planned commercial and the Planning and Zoning Commission recommended approval to the County Commission and they tabled it because there was no plan. Mr. Nahler did not return with a plan in a timely fashion. For intense and purposes this is a brand new request.

Commissioner Mink asked the applicants their concern for conditions 3 and 4.

Mr. Dierker stated that he was curious about the evergreen screening around the storage yard based on how the land lies. There is a bluff on the west side of the property which sits above the highway 63 corridor. Mr. Dierker stated that he was curious of the effectiveness of that visual screen. On number 4 with the landscaping plan, Mr. Dierker stated that he didn't know if that related specifically to the screening around the storage yard or if this was some other requirements that needed to be spelled out.

Mr. Yonke stated that the intent of number 4 is if there is a buffer that is required that it be maintained in a live and health fashion providing buffering.

Commissioner Mink stated that he sees the rows of trees on the east side of the storage yard.

Mr. Yonke stated that is what staff recommends being replaced by the double row of evergreens.

Commissioner Mink asked about the west side.

Mr. Yonke stated that would be consistent with the standard way of requiring buffering but staff can work with a plan if the Commission wants to require at the final plan stage a detailed landscaping plan that they can provide that would show how the cliff might be part of a buffer; that can then be looked at

and amended and done at the final plan that is consistent with what has been done before, in that case staff would drop condition 3.

Commissioner Mink stated that he would think the applicants would want that then they would know exactly what they were required to do.

Commissioner Neese stated that he would like to see the signs along highway 63 eliminated but allow frontage signs on Hardwick Lane.

Commissioner Heitkamp stated that she has concerns about the sewer running through the creek or crossing the creek.

Mr. Yonke stated that is part of what will have to be shown in the engineered plans; also if a riparian buffer zone is there, how they do it without disturbing that zone significantly.

Commissioner Caruthers stated that he was a little concerned with storing heavy equipment and storing hazardous materials, whether we are talking about gas or oil, etc. This particular tributary feeds in to Bass Creek; Commissioner Caruthers stated that he had a major problem with that.

Dr. Dierker stated that the equipment can't be characterized as heavy equipment; it is the applicants intent to store these inside the buildings, however at times it may be in the storage area as far as a loading zone for the workday. The storage yard is viewed as a work yard to allow for storage of materials and move things around; applicants don't view that as overnight or permanent storage, particularly for those that have gasoline engines and oils.

Commissioner Caruthers stated that typically gas and oils are stored in drums on stands. There are going to be some hazardous materials involved.

Mr. Nahler stated that it wouldn't be as much as if farm equipment was there. If it is not rezoned and remains as A-1, Mr. Nahler stated that he farms and there are storage tanks on that part of the farm that could be 1000 gallons or more; the proposed use would have less materials stored there.

Commissioner Mink asked what the applicants plan to do as far as fuel; do the applicants plan to have some on site?

Mr. Dierker stated no, there are no plans for that. If the applicants were to they would follow any ordinary, normal precautions as far as leakage or storage of that sort of material.

Commissioner Mink asked if any requirements for fuel containment kick in on this type of operation.

Mr. Yonke stated that if a structure for fuel such as an above ground tank and containment pan were being proposed it would have to be shown on the plan because it is a structure. If you are talking about a small amount of fuel that could be in a 55-gallon drum that is inside the building Mr. Yonke stated that he is not sure of the requirement. If it is an outdoor separate structure it would have to be on the plan in order to be approved and that would require the applicants to come back for an amendment.

Commissioner Morgan asked if there were going to be any floor drains in any of the warehouses.

Mr. Dent stated that there aren't any proposed on the building plan at this time.

Commissioner Mink asked if floor drains would have to go through the septic system.

Mr. Yonke stated that currently floor drains in garages and such do not; they open directly to the outside.

Chairperson Smith asked Mr. Nahler what he does with this land now. Is this part of some other land he has.

Mr. Nahler stated this is part of property he already has, it is an individual piece.

Mr. Dent stated that the proposed building site is to the far south end of the property.

Mr. Dierker stated that the building is about 300-feet from the south property line; the entire property north and south is approximately 1400-feet. There is quite a distance between the proposed building and the creek.

Commissioner Neese made a motion to approve the rezoning from A-1 to ML-P.

Commissioner Neese made and Commissioner Mink seconded a motion to **approve** the request by Kevin and Carey Nahler to rezone from A1 (Agriculture) to M-LP (Planned Industrial) and to approve a Review Plan for Dierker and Dent Industrial Park on 9.82 acres, more or less, located at 10425 Hardwick Ln.

Pat Smith – NO	Mike Caruthers - NO
Mike Morgan – NO	Keith Neese - Yes
Mary Sloan – Yes	David Mink – Yes
Kristen Heitkamp - Yes	

Motion to approve request carries 4 - YES 3 - NO

Commissioner Heitkamp and Commissioner Caruthers a motion to **deny** the request by Kevin and Carey Nahler to approve a Review Plan for Dierker and Dent Industrial Park on 9.82 acres, more or less, located at 10425 Hardwick Ln.

Pat Smith – Yes	Mike Caruthers - Yes
Mike Morgan – Yes	Keith Neese - NO
Mary Sloan – Yes	David Mink – NO
Kristen Heitkamp - Yes	

Motion to deny request carries 5 - YES 2 - NO

Chairperson Smith informed the applicants that both matters would go before the County Commission at 7:00 p.m., March 4, 2003.

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3. Request by Clifford Mings to rezone from R-S (Single Family Residential) to C-GP (Planned Commercial and approve a Review Plan for 2.29 acres, more or less, located at 5310 St. Charles Rd., Columbia.

Planner, Bill Florea gave the staff report stating that the property is located just east of Columbia near the Lake of the Woods interchange. The current zoning is Single Family Residential, R-S. Property to the west is zoned C-GP, to the south is R-S, to the east and north is C-G. The 2.29 acres included in this request is currently vacant and is a portion of a 3-acre tract. .71-acres of the 3-acre parent tract was rezoned to C-G in 1983. A request identical to the current proposal was made in 1998. The Planning and Zoning Commission recommended approval of the 1998 request but the County Commission denied the rezoning. The Master Plan identifies this property as being suitable for residential land uses.

The current application for rezoning to Planned General Commercial (C-GP) was submitted along with a review plan. Staff review of the review plan indicated that the plan did not meet the standards for a review plan. In addition there were problems concerning wastewater disposal, fire protection, parking, circulation, access, landscaping, stormwater runoff and compliance with the Major Thoroughfare Plan. The applicant failed to resubmit a revised review plan, by the deadline, and did not address any of the issues raised by staff. Failure to resubmit a revised review plan by the re-submittal deadline results in removal of the review plan from the agenda. Therefore, this request is considered a rezoning to a planned district without a review plan.

The Master Plan identifies a Sufficiency of Resources Test for use in analyzing rezoning requests. The test involves balancing the resource requirements of uses that would be allowed if the rezoning was granted against the available resources or whether the necessary resources could be made available in an efficient manner. The resources can be broken down into three basic categories, utilities, transportation and public safety services.

Utilities:

- Wastewater: The application makes no proposal for wastewater disposal. Comments received from Boone County Regional Sewer District indicate that there is no wastewater treatment capacity available in the area.
- Other utilities appear to be adequate.

Transportation:

- The property has frontage on both St. Charles Road and Grace Lane. Grace Lane is identified as an arterial on the Major Thoroughfare Plan, which will require a 100-foot wide right of way. This will limit the suitable building area on the property.
- The frontage on St. Charles is too close to the intersection with Grace Lane to meet spacing requirements therefore, any access to the property will have to be via Grace Lane.
- The Major Thoroughfare Plan shows the eastern extension of Stadium Boulevard going through this property.

Public Safety Services:

- Fire flow of at least 500 gallons per minute is required. Hydrants shall be spaced at intervals not to exceed 300 feet.

- If the fire flow can be provided the rezoning would have minimal impact on public safety services.

There is no development plan proposed that would limit or control the manner in which the site is developed. There is not adequate sewer to support a request for rezoning. There is no documentation that adequate fire flows are available to the property. The proposal is in conflict with approved planning documents such as the Major Thoroughfare Plan and the Master Plan. All of these issues should be resolved prior to any rezoning of the property. Staff recommends the request be denied.

Mr. Florea added that a letter from the fire district was received this afternoon and has been distributed to the Commission.

Present: Clifford Mings, 5310 St. Charles, Rd, Columbia.

Mr. Mings stated that he has resided at the property for 25-years and is currently living on his farm in southern Missouri. The reason for the discrepancies in the plans is that Mr. Mings is stuck with something there that there is not much to do with at this point. The southern boundary line of that property running east and west is kind of a divider line between residential and commercial. Everything north of that divider line and adjacent to Mr. Mings' property is commercial. With this piece of property sitting in the middle of commercial there is no one who would want to build a house there. Mr. Mings stated he spoke with Mr. Shawver and he said something about a 50-foot right of way on each side of Grace Lane for making the road wider. Mr. Mings stated that he assumed that would run south all the way through the Lake of the Woods subdivision.

Mr. Florea stated that was correct.

Mr. Mings stated that he was at the Lake of the Woods subdivision today and measured from the center of the street to some of those homes there and when they do that there is not going to be enough room to park their car between their garage and the right of way. Mr. Mings asked if the land owners would be responsible to pay for part of the construction of that road.

Mr. Florea stated that he didn't know.

Mr. Mings stated that if we are talking about a 50-foot right of way from the center of Grace Lane over to his property and then are supposed to have a 25-foot landscaping buffer between that and the proposed buildings that ends up close to 20,000-square foot of Mr. Mings property that would not be used. Mr. Mings stated that he wouldn't be asking for an access to Grace Lane at this time because with the traffic the way it is all he is asking for is rezoning of the property because he is boxed in and there is not much he can do with it. The property is currently for sale and every time someone looks at it and he says Planning and Zoning, they are gone. As far as the wastewater and all that, no one is going to be able to do anything with this property until there is adequate wastewater in the area. That may be who knows when; probably when the construction of Grace Lane has taken place. Mr. Mings is asking for rezoning for the planned commercial on that back lot with no access to Grace Lane and without a wastewater and runoff plan at this time because they are not going to be able to do anything with the property until there is adequate sewage in the area.

Commissioner Caruthers asked Mr. Mings to clarify why he is applying for planned commercial without any specific plans.

Mr. Mings stated that he had a plan drawn up and turned it in with the buildings. Mr. Mings stated that he needed to find out just exactly what he could do with it because it is not marketable the way it is. Mr. Mings stated that he ran a drywall business there for 22 1/2 years and had 50 employees for several years and he put the road in that comes out on Grace Lane with his own expense because he had 5 semi loads of drywall showing up every week and it was blocking the traffic. Mr. Mings stated that he wasn't told to put the road in; he merely did it for safety reasons to keep the traffic down. Mr. Mings stated that if he spends all this money for a drawing that is not going to amount to anything because he is not planning on developing the property. The people that have inquired about the property are not interested in it; he doesn't have a buyer or anything on paper but every time they look at it and they think they have to go through planning and zoning it is out the door. Mr. Mings stated that he bought this property when he was 21 years old in 1973 and when he bought the property it was going to be his retirement property. About 2 weeks before Mr. Mings bought it they came out with the first drafting of Stadium Boulevard coming out to the Lake of the Woods. Mr. Mings stated that he didn't have a problem with the right of way and doesn't have a problem with the buffer and would be willing to get the plans drawn up. As far as the buildings, Mr. Mings stated that he can't see wasting the money on a drawing that he is not interested in completing. It is going to be the potential buyer's responsibility to satisfy the Commission with a draft and all of the wastewater plans before they can do anything with that property. Mr. Mings stated that he was surrounded on three sides with commercial and with a piece of residential property. It is not something that is going to come back to haunt someone, the Commission will be in full control of it.

Chairperson Smith asked staff if the Commission has ever acted on a planned commercial without a plan.

Mr. Florea stated that the option is available under the regulations; historically there have been cases but in the recent history it has been very rare.

Open to Public Hearing.

Present speaking in favor of the request:

Dale Perkins, 5219, St. Charles Rd, Columbia.

Mr. Perkins stated that he is right across the street from the tract in question. Mr. Perkins stated that he is in favor of the applicant getting what he wants; he is putting it in the Commission's lap for whoever buys it to decide what they can do with the property. Mr. Perkins has been a neighbor and good friend for years and he has a piece of land he can't do anything with.

Speaking in opposition to the request:

John Donelon, Vice-President, Lake of the Woods homeowners association, 578 N. Grace Lane, Columbia.

Mr. Donelon stated that he has made phone contact with the other board members and the offices of the organization and testified before this committee in 1998 with opposition to rezone this to commercial. The concern at that time was safety and traffic. The Planning and Zoning Commission went ahead and approved the plan as it was presented, it went to the Commission and they turned it down. The reason it was turned down at that time is that there was concern of traffic and safety. There is still a traffic and safety issue, even if there is no entrance out on to Grace Lane, if the property is rezoned commercial you have to have a way to get in there, if you aren't going to come out on Grace Lane then you are going to come out on St. Charles which is not too far from the intersection of Grace Lane and St. Charles. Things have drastically deteriorated. There are tractor trailers and trucks coming and going during the day

loaded with building supplies; at times the trucks have to park and stop on St. Charles because they can't get down there to unload. That in turn causes a traffic hazard. Then we come to the point on the east side of Lake of the Woods a plat has been approved by the City to develop 200 homes and 27 duplexes. The City recommended that the exit and entrance to that subdivision be taken out to Richland Road, the City has gone against the recommendation by their own department and said no, the entrance and exit is going to be off of Teton, which is the very last street in Lake of the Woods at the bottom of Grace Lane. Mr. Donelon stated that it was appalling to him was the count that the City gave Mr. Donelon of some 2500 additional traffic loads a day with that development. They do plan at some point to put an exit to the north to take people out of there, that is not there now, what we have now for sure is that we are going to have an additional 2500 vehicle traffic coming on to Teton on to Grace off of St. Charles creating more congestion. Within the last three weeks there have been survey flags placed all the way down Grace Lane on the east side of the street. The County was not aware of it and the surveyor, Allstate, who is working with a private developer because the land on the west side of Grace Lane has been voluntarily annexed in to the City and the person he is working for plans to develop 38 acres of that land in to residential dwellings and the surveyor said that they may have to widen Grace Lane to take the traffic out of the subdivision on to Grace Lane. That development is two years away. When you add that to what has already been approved by the City you have another pile of traffic on to Grace Lane.

Mr. Donelon asked if there were any plans to take Grace Lane on through to Richland if not; there is no way in and out of that subdivision other than through Grace Lane. Mr. Donelon stated that he has talked to Chief Parcels this week because he is concerned about the safety because if you have one accident out there with one of those trucks and boxed that entrance there is no way for emergency vehicles to get in and out of the subdivision. Mr. Donelon stated that his concern is what it was back in 1998, traffic. The City claims that they own half of that street now and the County owns the other half. This is what annexation was fought about; only idiots think that you can take a street and divide it but this is now what we have on Grace Lane. Mr. Donelon stated that he feels sorry for Mr. Mings, he has a white elephant and he is boxed in; but that is not the Lake of the Wood's problem and what Mr. Mings is proposing is that the Commission take over the problem and solve it. If this property is rezoned you have to have a way in and out of there because people aren't going to buy that tract of land unless there is a way to get in our out. If you are not going in on Grace Lane you've got one alternative, you go in to St. Charles; is St. Charles going to be widened? The answer is no. In a matter of time there is going to be development there commercially which will be adding additional traffic.

Closed to Public Hearing.

Chairperson Smith asked the applicant how he was going to have more roads on the property.

Mr. Mings stated that once Grace Lane is developed and expanded the potential buyer that buys the property for an investment; when there is adequate access to Grace Lane then it would be acceptable to exit on to Grace Lane. Mr. Mings stated that when he had his drywall business there he got five semi loads of material in a week; Ms. Heuer with Nemow insulation got 2 or 3 semi loads a week and they always kept the semis off the road. Next door the brick and tile place has a dangerous corner where they have to turn and there have been a lot of near accidents there. Mr. Mings stated that when he had 50 employees he had quite a bit of drive in over the counter sales. Between Nemow insulation and his business there were probably 150 or more vehicles a day going in and out of the business. Now the warehouses are rented there are probably not 20 cars a day that goes in and out of there. Mr. Mings stated that he thought and thought about how he can do this and get the property rezoned so someone would be interested in purchasing the property and by not having an access to Grace Lane until it is developed until it will handle the traffic; that would be an answer to the question to go ahead and rezone

it and restrict the entrance to just St. Charles Road because whoever buys it can't do a thing with that property until there is adequate sewer and who knows when that will be.

Commissioner Neese stated that Mr. Mings just pointed out a couple of problems that he has with the site is that there is no sewer for a commercial development. This, along with the streets and that is a problem. Commissioner Neese stated that he feels that there is enough traffic on that street. The streets should go in first then Mr. Mings should apply for rezoning because it is not going to be compatible with this area; there is residential zoning in the area and there is no need to add any more commercial in this area. Staff said that this could be in the proposed area where Stadium bypass could be coming in and it is not good to have commercial buildings already going up in that are. The area and the neighborhood has changed since Mr. Mings bought the property, but Commissioner Neese stated that he doesn't see adding to that by creating more traffic. The Commission doesn't know what the applicant is going to put in. There is a proposed mini-storage on the property and there is 12-foot between the buildings but what is shown isn't adequate either.

Mr. Mings stated that the Commission would be in complete control of this property; Mr. Mings stated that he is not trying to ask the Commission to take over his problem but he can not do anything with that property until the Commission approves the plans and until the sewage is approved. There is not going to be someone who comes in and puts a house on it, not with commercial on three sides of it; it is not a desirable piece of property for a home. There is nothing that can be done with that property and if Stadium Boulevard comes through the area then Mr. Mings would be well off to hang on to it and get a pretty good hunk of change when that happens. Mr. Mings stated that he understood that Stadium boulevard was going to Rangeline.

Commissioner Heitkamp made and Commissioner Mink seconded a motion to deny the request by Clifford Mings to rezone from R-S (Single Family Residential) to C-GP (Planned Commercial and approve a Review Plan for 2.29 acres, more or less, located at 5310 St. Charles Rd., Columbia.

Pat Smith – Yes	Mike Caruthers - Yes
Mike Morgan – Yes	Keith Neese - Yes
Mary Sloan – Yes	David Mink – Yes
Kristen Heitkamp - Yes	

Motion to deny request carried unanimously.

Chairperson Smith informed the applicant that if he wished to appeal this matter to the County Commission an appeal form would need to be filed within three working days.

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4. Request by C. T. Wilson family Trust on behalf of Green Valley Rifle & Pistol Club, Inc. to rezone from A-1 / A-2 (Agriculture) to REC (Recreation) of 35 acres, more or less, located at 4200 Academy Rd. Hallsville.



Planner, Thad Yonke gave the staff report stating that there are two parts to this request; a rezoning request and a conditional use permit. This property is located at the intersection of Academy Road and Caldwell Road. The north part of the property is zoned A-1 (Agriculture) and the south part is zoned A-2. The adjoining properties are zoned A-1 and A-2. The applicants have requested that 35 acres be rezoned to REC (Recreation). They are also requesting a conditional use permit to allow construction and operation of a rifle range on the property. This site is located within the Hallsville, R-4 School District. Boone Electric Cooperative provides electric service. Public Water District No. 4 provides water service in this area. The original zoning for this tract is A-1 and A-2. In 1984 a permit was issued for an outdoor recreational facility that included part of this tract. The use at that time was for an outdoor paintball game. That use was discontinued after a period of time. The master plan designates this area as being suitable for agricultural and rural residential land uses. Staff notified 16 property owners about this request.

The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of a proposal.

The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services.

Boone Electric will provide electricity to this site if it is required. Public Water District No. 4 provides water service in this area, but it is not anticipated that the proposed use of the property will generate significant demand for water. However, it should be pointed out that the rezoning request, if approved, would permit many other uses that could impact the infrastructure in the area. For example, a guest ranch or golf course would require greater water capacity.

The property fronts on county maintained roads. The subject property is adjacent to a shooting facility that has been in place since 1978. It is anticipated that the use of the subject site will draw little additional traffic to the area, as the members of a private club will control the use. Staff understanding is that this facility will not be open to the public. The club will coordinate all activities. Again, other uses allowed in the REC zoning would generate traffic that is not anticipated for the proposed use.

The proposed use will not result in an increase in demand for public safety services. The existing facility operates under very strict safety guidelines. There have been very few demands on public safety services during the operation of the existing facility. Provided the same precautions are used on the proposed facility, a high level of safety should be provided.

The proposed use can be compatible with the existing zoning and land uses in the area. However, staff feels that this use would be better suited as a planned district. As the Commission is aware, the creation of a Planned Recreation District is under consideration and could be available for adoption within the next 6 months.

Upon review, staff feels that this request should be resubmitted as a Planned Recreation request when the zoning classification becomes available.

Should the Commission decide to approve the rezoning request, and the conditional use permit, then the following conditions should be placed upon the conditional use permit:

- Provide staff with a layout of the shooting range.
- Shooting is limited to daylight hours only.

- Range not to open before 10:00 a.m.
- Lighting is restricted to dust-to-dawn lights necessary for security.
- Dust free parking lot (minimum of chip and seal surface) is provided suitable to accommodate 20 vehicles.

Commissioner Neese stated that due to a conflict of interest he is excusing himself from the proceedings.

Present: John Skaggs, Director of Range Operations, 12651 N. Route B, Hallsville.

Chuck Wilson, representing Wilson Family Trust, 2735 W. Mill Creek Court, Columbia.

Mr. Wilson stated that there was one thing that wasn't in the staff report that is important. The narrow strip of ground that the applicants are asking to be rezoned for the rifle range is between existing ranges in another rifle range. There is a difference between taking brand new ground on a fringe and expanding. This is a very narrow captive piece of ground it is not cropped and is not in the CRP program; it is covered with locust trees and applicants would like to get rid of those. The property in question is surrounded by land already being used as a rifle range.

Commissioner Caruthers asked Mr. Skaggs that according to the documents it says that adding rifle competitions and training will increase the number of participants by 33 to 50-percent; applicants are talking about 11671 to 15640 individuals.

Mr. Skaggs stated yes, somewhere in that neighborhood.

Commissioner Caruthers asked how many of those are law enforcement individuals.

Mr. Skaggs stated probably in the neighborhood of 35 to 40-percent of those numbers are represented by law enforcement.

Commissioner Caruthers asked if there is any training with any other agencies such as National Guard.

Mr. Skaggs stated that the applicants have been contacted by them, right now they are forced to go down to Fort Leonard Wood to do anything and the applicants would like to save their tax dollars and keep them here at home. Applicants work with federal agencies, the FBI, Secret Service, IRS and a few others too.

Chairperson Smith stated that if the applicants have the rezoning and the conditional use permit how much would this increase the traffic and the use of the facility. Would there be a lot more shooting and a lot more people?

Mr. Skaggs stated that it is going to be sporadic; it is not going to be a constant parade of vehicles. During the week would be members coming out to site in a rifle, do some practice to get ready for a prairie dog hunt. Mr. Skaggs stated that he would guesstimate that on any particular evening after normal work hours, 3 or 4 during the week. The weekends would be when the competitions would be held and you are probably looking at somewhere between 40 and 60 maximum for an event like that on a weekend.

Chairperson Smith stated that the Commission has heard from some of the neighbors that say they hear gunshots all the time now. Chairperson Smith stated that she was curious how many more gunshots the neighbors would hear.

Mr. Skaggs stated that compared to what the applicants are doing now it would be less. In a year's time, last year for instance applicants had over 3000 people use the pistol ranges and the best guess would be probably in excess of a million rounds. Mr. Skaggs stated that he understands the neighbors concern and he also has that concern because he doesn't live that far away either.

Mr. Wilson stated that one of the things that is in the plan, the way the berms are designed and the way that the area from which the shots are fired is placed in the wooded area; that was done by design to cut down as much as possible in residual noise. Applicants have given that as much consideration as they can. Mr. Wilson stated that he is a rifle instructor for the Sheriff's department. Mr. Wilson stated that he is conscious as anyone else about keeping this best foot forward as possible with the community.

Commissioner Sloan stated that she has very little knowledge of what it takes for the size of something but 35-acres seems like an awful lot of ground to ask for rezoning.

Mr. Skaggs stated that one of the reasons the applicants wanted to do a section that large is to create some buffer between the applicants and the adjoining property and Caldwell Road. The range will be centered in these 35-acres so it will be about 250-feet from the west boundary line or 250-feet from Caldwell road before you actually get to the range itself.

Commissioner Sloan stated that 250-feet is not very far. Applicants say that this is not a public facility but 3000 people used the pistol range in the past year. Commissioner Sloan asked how many members there are.

Mr. Skaggs stated that one of the reasons the applicants have the safety records is because the applicants are not open to the public. The only people that are permitted to shoot there are the members, those that are engaging in competitions or going through training programs. People coming off the street just can't pay \$10.00 and do whatever they want.

Commissioner Sloan asked how many training programs the applicants do in a course of a month.

Mr. Skaggs stated that it will vary from month to month but an average of 3.

Commissioner Morgan asked how late the range stays open.

Mr. Skaggs stated that it is his understanding that there is no restriction on the hours of the existing facility but as a good neighbor policy and wanting to be considerate the applicants never allow anyone to shoot past 10:00 p.m. or before 8:00 a.m. because the applicants want to maintain a good relationship with the neighbors.

Commissioner Sloan stated that she lives about 4 miles from there and can hear the shooting going on. When the Bianca cup is on it is very apparent, there are a lot of times when Commissioner Sloan is outside and can hear consistent shooting going on and she has lived in that area for 25 to 30 years. It is more apparent to the surrounding community than the applicants realize. Whether it is an invasion or intrusion. Commissioner Sloan stated that if she hears someone at night and she is outside in the dark and hears a fire arm going off it bothers her because even though she knows that it is quite a distance away she doesn't know that it may not be one of her neighbors a mile over or whether it is coming from the shooting range; it does raise concern.

Mr. Skaggs stated that Commissioner Sloan lives 4 miles away; Mr. Skaggs stated that his residence is right on Route B a mile down Academy road and there are rare occasions when he is outside and if the wind is blowing in the right direction he can hear the shooting too; they are muffled but you can recognize it. Mr. Skaggs stated that he has never heard it inside the house.

Commissioner Sloan stated that she has heard from people who live in the area and they say on a summer night or a nice night you can't sit outside and not have that shooting.

Mr. Wilson stated that is one of the problems of having a gun club anywhere, it is going to create noise.

Commissioner Sloan stated that she understands that; her concern is that there is a certain level of noise there and if you move in that area and knew it was there and don't like it now then you shouldn't have moved in that area but at this point Commissioner Sloan stated that she is not sure she is willing to increase that noise.

Mr. Wilson stated that he didn't think that would increase the noise. If you look at all the shooting that is done there during the year; the rifle events are such a small portion of the overall it is like saying if there is 1000 shots fired and someone fired 10 more would you be able to notice a difference. Mr. Wilson stated that he didn't think it would increase it at all.

Commissioner Caruthers stated that being in the military special forces and he has trained at 600 yards; usually it is one shot, one kill. It is not fully automatic; it is not even semi automatic. Commissioner Caruthers stated that he would encourage this type of training for law enforcement due to situations like the sniper incident in Maryland. Federal, State and local officials need to have the equivalent training.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition to the request:

Ron Netemeyer, 10951 N. Forest Park Way, Hallsville.

Mr. Netemeyer stated that his property is within 1000 feet. The main concern is the noise; it is not necessarily the safety. Mr. Netemeyer stated that he doesn't know of any local law enforcement unit that requires training to shoot from 600 yards away. Mr. Netemeyer stated that he can understand a side arm training or a shot gun training but not to shoot a suspect from 600 yards; that is not any benefit the Sheriffs department or CPD. With regard to national guard, Mr. Netemeyer stated that he just built a home on 5 acres in a planned residential neighborhood; no one anticipates having national guard firing exercises coming down and shooting weapons and M16's within 1000 feet of a residential area. The Columbia Tribune, if accurate said that this would be one of three rifle ranges in the State of Missouri that is 600 yards. Having this attraction, all the avid shooters will want to come from different parts of mid-Missouri to fire at this particular range because they can't do now will obviously increase the number of shooters and its going to increase the amount of noise. To think otherwise doesn't make any sense. Should this proposal be recommended to this private organization against the detriment of all the land owners and homeowners that live around it? Mr. Netemeyer stated that while he respects fire arm possession this area has changed since the range first came to the area. It is a lot more residential than it used to be. If the applicants are going to have a firing range like this they should build it in northern Boone County, southern Boone County or Sturgeon area in a rural atmosphere, not where there are neighborhoods. Mr. Netemeyer stated that there are 12 houses that are built in the cul-de-sac, you hear this noise come through the ravine the whole time they are shooting, and you hear every single shot.

Wheeler Winds Subdivision is right when you turn on to Academy right off of Route B; there are probably 20 houses there. You can hear it right now. They just built a big Methodist Church on the corner of Route B. Everyone in that church will be able to hear it. There is a neighborhood planned right there; it is a 20 or 30 acre neighborhood. Hallsville is no longer the farming community it was in 1978, it is residential now. This will severely affect the value of Mr. Netemeyers property and not in a good way.

Mr. Netemeyer stated that the 35 acres is not all surrounded by land currently being used as firing range of some kind. Eileen Right owns 80 acres on the other side of the road on Caldwell directly east of this property. Ms. Right is out of the country otherwise she would be here, she is opposed to it. Mr. Netemeyer's mother and father in law, Jerry and Judy George own property about seven-tenths of a mile and they are opposed to it. If you look at the benefit to this private organization and the number of members that come from outside of this community to use it versus the detriment of the people that live there everyday, it isn't justified and hopes the Commission doesn't recommend it.

Chairperson Smith asked Mr. Netemeyer how long he has lived in his house.

Mr. Netemeyer stated one year.

Chairperson Smith stated that Mr. Netemeyer stated that he hears the guns all the time.

Mr. Netemeyer stated yes.

Chairperson Smith asked what "all the time" is.

Mr. Netemeyer stated that the shooting now doesn't really bother him; Mr. Netemeyer knew that the range was there when he moved there; before moving in to his home he would visit his in-laws whose property is seven-tenths of a mile away and you get kind of used to it. Mr. Netemeyer stated that he doesn't mind that. It would be kind of if you built a house right across from a hog farm and then you started complaining that it stinks; you knew it when you built there. It is something else when you build a house across from a hog farm and then they triple the size of their production, that is something all together different. Mr. Netemeyer stated that he believes he became used to the shooting that goes on now and notices it a lot more in the summer time because he is outside, now that it is winter he goes home and goes inside. If the television is on he is not distracted by a lot of shooting noises. But in the summer time when he is outside, if it is daylight you hear shooting going on and that is okay but we don't need to add to it.

Commissioner Caruthers stated that the fact is that Mr. Netemeyer purchased the home a year ago and knew that the rifle club existed at that time at that proximity of the home.

Mr. Netemeyer stated that he bought the lot about 2 years ago and built the home about a year ago.

Commissioner Caruthers asked when Mr. Netemeyer physically moved in.

Mr. Netemeyer stated January 2001.

Commissioner Caruthers asked Mr. Netemeyer if he was aware that down Mr. Zion Church Road there is Rocky Fork wildlife area and that allows for night time shooting with dogs. They also have an open shooting range there.

Mr. Netemeyer stated that if they do, Mr. Netemeyer has never heard one single round.

Commissioner Caruthers stated that he suggests Mr. Netemeyer visits.

Mr. Netemeyer stated that he does visit and doesn't know why Commissioner Caruthers has to be adversarial; Commissioner Caruthers just made an off-hand comment. The thing Commissioner Caruthers stated earlier about one shot, one kill; this isn't combat this is target shooting, they aren't going out to kill something they are going out to take numbers of rounds at a particular target. Mr. Netemeyer stated that he doesn't understand the analogy Commissioner Caruthers made with the special forces training.

Commissioner Caruthers stated that he would clarify. Commissioner Caruthers stated that when you are shooting at those distances this is not something that you do with a fully automatic or a semi automatic. This is something where you take a single shot.

Mr. Netemeyer stated that they will take a single shot once a minute for an hour.

Commissioner Caruthers stated that he is not necessarily being adversarial but he is being realistic having done it.

Mr. Netemeyer stated that he wanted to be realistic too. Mr. Netemeyer stated that he knows the current use of the property and knew what it was when he built his home there. By adding more ranges it will attract more shooters that have ever visited there before and have more firing. Maybe Commissioner Caruthers is correct, maybe it is just one shot every so many minutes; but there will be shooters doing it on a continuous basis and it is a huge attraction for the area.

Commissioner Caruthers asked Mr. Netemeyer how he sees the use tripling.

Mr. Netemeyer stated that they currently have a 200-yard range and now they are going to have a 600-yard range.

Commissioner Caruthers asked if that would automatically triple the amount of shooters.

Mr. Netemeyer stated yes.

Chairperson Smith stated that the Commission should not get in to numbers of the increase and just look at the application.

Commissioner Heitkamp stated that in the application the applicants anticipate by adding this range it would increase the numbers by 33 to 50-percent.

Commissioner Caruthers stated that is one-third to one-half, not triple.

Chairperson Smith stated that an email was received from Tom Dailey who expressed some concern about the expansion of the Green Valley Club. Chairperson Smith read the email which stated:

I am writing concerning the hearing this evening on expansion of the Green Valley shooting club. I will not be able to attend, and I would like to offer comment here.

I live on the south side of Rocky Fork Conservation Area, a mile or so south of the Green Valley club. I am concerned about the shooting, and associated noise that goes on well in to the night. The amount of noise, including automatic weapons firing is disturbing. Although I'm far from the club and I have sound-proofing insulation in my home, I can both hear and feel the blasts of weapons. I do not think it is reasonable for this level of noise to occur after sunset. The Conservation Department's shooting range closes at sunset, so peace and quiet is the general rule after dark in our part of the county.

I am sure all the residents in the area would appreciate a curtailment of shooting early in the evening. I regularly shoot my own guns, but as a good neighbor I am sensitive to the need for peace and quiet after dark.

Thank you for considering my comments, sincerely, Thomas Dailey, 3661 E. Doe Brook Ln., Columbia.

Also present speaking in opposition:

Ben Fowler, 10980 Forest Park Way, Hallsville.

Mr. Fowler stated that the comments that the previous speaker brought up and the points Mr. Fowler agrees and echo's those concerns. Mr. Fowler stated that some other questions that he had is how much additional lighting this was going to effect. There is a considerable amount of lighting you can see going from the area. Mr. Fowler stated that he has lived in the area for two years and knew what the area was like and have grown accustomed to it but with the possibility of more light, more noise and more traffic that certainly would be a concern. Mr. Fowler stated that he heard something from the staff earlier about the possibility of just daylight hours; Mr. Fowler stated that he didn't know if that was just a suggestion or if that was something to be changed.

Chairperson Smith stated that was a recommendation if the Commission were to approve the request.

Mr. Fowler stated that the shooting very easily goes to 10:00 p.m. in the evenings and it is something that is heard inside his house as well as outside.

Ben Voeller, 3250 Kemper Rd, Hallsville.

Mr. Voeller state that he is not necessarily speaking against the request but has a couple of comments to be considered. Mr. Voeller stated that it is not necessarily the increased shooting that he is concerned about but it is the decibel level. The hand guns are not near as loud as a rifle is; you can definitely notice a difference. Mr. Voeller stated that he moved in knowing there was a shooting range there and accepted that but he also moved in knowing what the decibel level would be and hadn't anticipated increased decibel level due to rifles shooting in a different area. The current rifle range being limited in distance doesn't attract as may people and it is down in a hole where the noise is not carried away as much as it would be where it is now. Mr. Voeller stated that he was also concerned about the comment of the size of it. If that room is being used to create berms to control the noise that is good. But what is to say that five years from now the shooting lanes aren't going to be expanded; if it is a one lane range there is going to be a very limited amount of shooting; one shot, check your target, or three shots and check your target. Whereas if it is going to be ten shooting lanes you will then have 10 people all shooting at one time. That is a concern that it may be expanded.

Anthony Caskey, 1105 N. Route B, Hallsville.

Mr. Caskey stated that he lives within 1000 feet of the property. Mr. Caskey stated that he built his home in 1978 a quarter mile off of Route B to get away from road noise. Now there is a gun range in his

back yard. The shooting goes on well past 10:00 p.m. Mr. Caskey stated that his windows stay shut year round even on nice spring nights. The hot tub is not too enjoyable; the patio is noisy to have a conversation sometimes. Mr. Caskey stated that he is not against fire arms or law enforcement but is against more noise.

John Kabrick, 3351 E. Doe Brook Lane, Columbia.

Mr. Kabrick stated that he is not opposed to fire arms or shooting ranges but is concerned about the noise. Mr. Kabrick lives about 2 miles directly south of the shooting area and he can hear shooting inside and outside year round. Mr. Kabrick stated that he is willing to put up with a lot of that, it doesn't bother him so much, especially during the day time. But when it goes in to the night it is bothersome. By expanding the range it will attract more membership to the area, not just to use that range during the daytime as proposed in the rezoning request but it may increase the use that would occur after dark as well. Mr. Kabrick suggests that if the request for rezoning is passed that it would be done so under the restriction of restricting the shooting hours for all the areas in the range to more acceptable hours to all the neighbors in the area.

Bill Smith, 3400 Kemper Road, Hallsville.

Mr. Smith stated that he is located within 1000 feet of the gun club and he appreciates what the gun club does. Mr. Smith stated that last fall he and his son went through the hunter's safety course at the gun club. Mr. Smith stated that he drives on Academy almost twice a day and appreciates the impact in getting a new road from Route B. Mr. Smith stated that he too hears the gun shots in the house but can't say he has heard them after 10:00 p.m. but they are up to 9:00 p.m. for sure and you can hear it in the house. It is interesting to lie in bed and hear gunshots. The noise level is the concern in terms of high powered rifles and the impact they are going to have. Mr. Smith stated that he didn't know if something could be done around the area marked off for the rifle range to keep the noise down but would entertain other input or other suggestions that might help in that area. Mr. Smith stated that he is an avid hunter and likes having a place to shoot. He goes over to Rocky Fork and shoots at the gun range there.

Closed to public hearing.

Commissioner Mink stated that it looks like the existing gun club is not on land zoned for recreational use. Commissioner Mink asked staff if there was a conditional use permit for that.

Mr. Shawver stated that the applicants were issued a conditional use permit in 1978 for an outdoor recreational facility with a firing range.

Commissioner Mink stated that if the property is rezoned recreational will a conditional use permit still be required.

Mr. Shawver stated that a firing range requires a conditional use permit.

Commissioner Mink stated that in the staff report it was recommended that the applicant wait for the planned recreational zoning; that it may be more appropriate. That would address Mr. Voeller's concern about future expansion.

Mr. Shawver stated that was correct. The past couple of years there have been a number of recreational zoning requests of various sizes. The concern with recreational zoning is that one applicant might propose a specific use but once it is rezoned they change what was proposed. It is one of the less restrictive zoning classifications. The existing conditional use permit is valid; if the Commission



approves the conditional use permit for the 35 acres it won't affect any conditions on the existing firing range.

Commissioner Mink asked if the existing conditional use permit ever comes up for review when additional conditions could be put on the permit.

Mr. Shawver stated that it has to be spelled out initially if there are reviews. For example the paint ball operation was given a 6-month review then a one year review; the applicants then dropped the paint ball operation. If someone violates the conditions of the permit then it can be brought in for review.

Commissioner Sloan stated that the suggestion that maybe the Commission go back and restrict the hours for the entire operation if the rezoning request wouldn't be valid.

Commissioner Caruthers asked if the Commission were able to approve the request as it is today yet be able to put a stipulation on the conditional use that when planned recreational zoning becomes available that the applicants have to come back and apply for that.

Mr. Shawver stated that no conditions can be placed on the rezoning of a property.

Chairperson Smith asked how many lanes this would add.

Mr. Skaggs stated 20 shooting positions.

Chairperson Smith asked how that would change the lighting that is there now.

Mr. Skaggs stated none. Mr. Skaggs stated that he wasn't aware that there was that much going beyond the property. Three years ago the facility was broken in to and two four wheelers and tools were stolen so the applicants put in security lighting because there was none at the time; that is why it is pretty bright around there now. As far as the new facility goes, there are no plans to install lights on that at all.

Commissioner Sloan stated that in other words there would be no firing after dusk.

Mr. Skaggs stated that unless it was law enforcement or classroom training.

Commissioner Sloan stated that if there weren't any lights how can there be any shooting.

Mr. Skaggs stated that is why there are classes.

Mr. Wilson stated that there was a comment regarding why a 600 yard rifle range was needed. The average urban sniper shot is about 77 meters, in order to get the proficiency you need to judge distance and timing you have to practice at long range. This is a thing that is not going to happen very often at all. But there are teams from the Columbia Police Department and the Boone County Sheriffs department that for public safety purposes maintain their ability during anytime night or day to respond to a call to assist; we want them to be as good as possible.

Commissioner Mink stated that there was a comment about higher decibel levels. Commissioner Mink asked the applicants if that was an accurate statement and could that be measured.

Mr. Skaggs stated yes it can be measured. Mr. Skaggs stated that he was involved in a range in Illinois and decibel level readings were done on that; a rifle does create more decibel. One of the concerns that

was expressed is the number of people shooting at one time. What surprised Mr. Skaggs was when the decibel readings were taken whether you had one shot fired or twenty people shooting at once, the decibel level was the same; it was the length of the sound; it didn't get louder it just got longer. Mr. Skaggs stated that applicants are very conscious about after 10:00 p.m.; when it is 10:00 p.m. no one is allowed to shoot. Mr. Skaggs stated that there are other facilities around the area sometimes the applicants get the credit for things that happen at Rocky Fork and there are neighbors that occasionally shoot on their property and the applicants get the credit for that. If the applicants are doing something wrong they want to get it corrected because they want to be good neighbors.

Commissioner Mink stated that the training that the applicants want to provide is after dark. This restriction that is proposed would be problematic if sunset was at 7:00 p.m. The way it is worded is that there will be no shooting after sunset.

Mr. Wilson asked if there was a possibility that in the conditions there could be a caveat that says whether the applicants have to check in with the Sheriff in the event that the applicants have to do night time law enforcement instruction that the applicants would be able to do it.

Commissioner Caruthers stated that most of the after light shooting is going to be primarily law enforcement.

Mr. Wilson stated that could be specified specifically.

Commissioner Heitkamp stated that the applicants are already doing after dark training.

Mr. Skaggs stated that was correct.

Commissioner Heitkamp stated that in the past the Commission has been hesitant to give blanket recreational zoning especially for 35 acres without a plan. Commissioner Heitkamp stated that she has heard many of the neighbors tonight that moved to the area knowing that there is a gun club there yet the illusion to a hog farm could illustrate the problem here tonight. What the neighbors are saying is that they can live with it now but what the applicants are proposing to the neighbors would violate the bounds of being a good neighbor. The decibel level; unfortunately Boone County doesn't really have the financial resources to go out and measure decibel levels on a regular basis; measuring decibel levels is very expensive to do. Therefore the Commission can not put a condition on decibel level, it wouldn't be practical. The Commission couldn't put a condition on operating times; for the rifle range they could but the existing gun club still has night time training. There are 35 acres and if it is rezoned recreational the applicants could do what ever they please. No matter what the applicants tell the Commission they will do; the law is that the applicants could do what ever they want that is allowed within recreational zone. Unless the applicants come back with a plan or the applicants wait until there is a planned recreational zoning; which is up for public hearing this spring. Commissioner Heitkamp stated that for those reasons she is hesitant to vote for approval. Hallsville is becoming a more densely populated area and it is the belief that this will continue.

Commissioner Mink stated that with the hearings this spring if all goes well; what is the earliest this other opportunity for zoning might be available.

Mr. Shawver stated that the soonest would probably be 90 days after approval.

Chairperson Smith stated that we are talking months.

Commissioner Mink stated that it could be September.

Mr. Shawver stated that it could be before then.

Chairperson Smith informed the applicants that the County is having public hearings on a proposed revision to the zoning ordinance which would include planned recreation. The Commission is very plan oriented. It is also a way for the Commission to hold the applicants to the plan. Once blanket recreation is given and the applicants decide not to have a gun club there is a lot of things the applicants could do and the Commission has no control over it. If the applicants would do planned recreation the Commission would hold the applicants to the plan. The County is in the process of doing that now and within the year that zoning will be available. The Commissioners would be much happier if the applicants came in with a planned recreation request.

Mr. Skaggs stated that the Commission and applicants would be happier but Mr. Skaggs stated that he has to go back and tell 300 people that they have to wait another year. Mr. Skaggs stated that the applicants have everything ready to go pending this approval; the contractors are lined up and have people that are anxious.

Chairperson Smith asked the applicants if they could push that back another 6 or 7 months.

Mr. Skaggs stated that it would be the beginning of winter and wouldn't be able to do any dirt work and berm building. As a compromise, if the Commission would give the applicants the guidelines they are looking at now for a plan the applicants would be happy to submit that now and not wait.

Mr. Wilson stated that the applicants would guarantee it.

Chairperson Smith stated that the rezoning would be blanket recreational, it is not binding.

Mr. Wilson asked if it could be added to the 9 conditions and add this as number 10.

Mr. Yonke stated that the problem is that there are two separate items, a rezoning request and a conditional use permit. If the rezoning request is granted and the conditional use permit is granted the applicants don't necessarily have to do the conditional use permit and that is what conditions are tied to. If for some reason the applicants abandon the conditional use permit it still leaves the rezoning there for any of the uses that are possible in that district. The conditions are only tied to the shooting range.

Mr. Wilson stated that there is a gap in the rules.

Chairperson Smith stated that the applicants have to have the rezoning before the applicants can even apply for the conditional use permit. The conditional use permit is what gets the conditions; but there are no conditions for rezoning. After the rezoning the applicants could walk out the door and do whatever they want with the land. If the applicants wait for planned recreation they wouldn't have to have a conditional use permit.

Commissioner Sloan stated that she didn't want the applicants to think that if they wait until planned recreation comes along that this will be a done deal. The applicants might think that they did what the Commission asked them to do and wonder why it may not be approved. In looking at the conditions that the staff requested and the people in the area that Commissioner Sloan talked to, the one thing that jumped out immediately was shooting is limited to daylight hours only. The neighbors were happy with that but mentioned that in the summer time it is going to be 9 or 10:00 p.m. and that is when the

neighbors would like to be outside sitting on their decks enjoying the quiet and shooting is going to be going on. If it is stipulated 5:00 p.m. then they could live with that but not daylight hours. It might make it a little more palatable to have planned recreation but Commissioner Sloan is not sure that planned recreation is going to take care of all the concerns of the neighbors. The number of lanes could be limited and say chip and seal the parking lot and those sorts of things but that is not what the neighbors are concerned about. Commissioner Sloan stated that she did not want the applicants to think that if they came back and asked for planned recreational zoning that they are going to get it. Commissioner Sloan stated that another thing she would like to point out is that when there were a couple of horse barns come in and wanted to do parties the Commission has said that they can't be done after 5 or 6:00 p.m. but a shooting range can go on until 10:00 p.m. Commissioner Sloan stated that bothers her, there are less problems with a kids party at 7:00 p.m. in the evening than a shooting range in terms of noise.

Commissioner Heitkamp stated that there is no guarantee and she would vote against it on the basis of the noise and the fact that the applicants are going out of the bounds of being good neighbors.

Commissioner Mink stated that the advantage of planned recreation might be that the applicants would have to show the berms and things would become permanent and they couldn't go back out and say they want 40 shooting lanes instead of 20; that would help. Commissioner Mink stated that he didn't know how much the landscaping could mitigate the noise problem. Commissioner Mink stated that he would like to be more convinced about the decibel level concern that a lot of people raised whether that could be mitigated to the point where it is about the same as what is there now or is it going to be a whole lot louder.

Commissioner Caruthers asked the decibel level of a combine.

Commissioner Sloan stated that 100 combines going through a field is a whole lot different than one.

Commissioner Caruthers stated that is true but he feels that a 425 horse engine puts out a continuous noise. So many people move to the country for peace and quiet, this is the last place to go for peace and quiet. Between the animals, the chainsaws, tractors, and vehicles the country is the last place to go for peace and quiet but you go there for reflection and to learn and integrate.

Commissioner Sloan stated that is not exactly true.

Commissioner Morgan asked if it would be of interest for the applicants to table their request until the revised zoning laws come in to effect instead of voting it down.

Mr. Shawver stated that a planned request would be a different zoning classification.

Mr. Wilson stated that one thing that the people have mentioned here was the increased noise level; everything that we have heard here is based on assumptions and fear. Rifle shooting already goes on there to a fair amount of degree on the 200 yard range. All the applicants are doing is moving it from one end to another and lengthening the amount of space within which they are shooting. The neat thing is the design of the berms; the applicants are putting it down in the low area in the woods. Mr. Wilson stated that he believes by doing this there would be less of a loudness level than there is right now. The Commission is going by a testimony based on an unknown and based on assumptions as opposed to fact. Mr. Wilson stated that as a rifle instructor he has been around a lot of ranges and what the applicants are trying to do here there may be more shots fired but as a percentage of the million rounds that go off there per year it is like a grain of sand on a beach because there is not that many rifle rounds fired compared to

everything else. The way the range is designed with the berms and in the woods Mr. Wilson stated that he believes it would be less of a noise factor and certainly no more than it is now.

Commissioner Mink stated that may be true but doesn't know whether the statements the neighbors made are accurate or whether Mr. Wilson's statements are. It burdens on the applicants to convince the Commission that what they are saying is true. It seems a rifle that is designed to shoot those long distances would be louder than a hand gun which is the majority of what is used there. Commissioner Mink stated that he doesn't know. Commissioner Mink asked the applicants if they were saying that the rifles that are currently being used are the same that would be used on the new range.

Mr. Wilson stated yes.

Commissioner Mink stated that the existing range would be moved; the applicants are adding lanes they are not getting rid of lanes.

Mr. Wilson stated that is correct.

Commissioner Mink stated that there is potential for more rounds going off.

Mr. Wilson stated no.

Mr. Skaggs stated that the same caliber rounds that are being fired now are the same caliber rifles that would be fired on the new facility.

Commissioner Caruthers stated that there was discussion of noise level differences between rifles and pistols. Some pistols will put off more noise than a rifle.

Mr. Wilson stated that is correct.

Commissioner Sloan asked that applicants if they had the capability of putting in a 600 yard rifle range on the property the applicants have now.

Mr. Wilson stated no.

Commissioner Sloan asked if it is because the applicants don't have enough land.

Mr. Wilson stated there is not enough length; flat length. Mr. Wilson stated that his range is parallel to this one to the west and it is a 600 yard range with a berm and shooting stand. It is hard to get a really flat area to shoot across for that distance. Mr. Wilson stated that if you are in the woods and someone fires a rifle round you have a very difficult time telling what direction it came from because of the acoustics. Basically by putting the range down in a "U" shaped area of old growth timber plus the berms, that is a tremendous advantage noise wise to the other range where you are shooting in the opposite direction. Mr. Wilson stated the difference between loudness and volume; volume is you keep cranking it up; loudness can't be increased if the maximum decibel level of putting out the noise is the same. There may be more of it but it is not going to be any louder. The applicants are going in a positive direction as far as noise is concerned.

Chairperson Smith stated that this is a rezoning request and the Commission has to determine whether this is an appropriate land use and whether this request is more appropriate than what it is right now.

Commissioner Mink stated that this could possibly be made to be compatible but without the planned recreation zoning the Commission doesn't have any guarantees of how it is going to be built; there is nothing to show to the neighbors about how the buffering is going to be and the berms and landscaping to mitigate the noise. Commissioner Mink stated that if the applicants come back later there might be something the Commission could look at again, there are no guarantees. Commissioner Mink stated that he has a problem with the whole blanket recreation zoning.

Chairperson Smith stated that the applicants noted that a lot of things are based on assumptions and they should be based on fact; the Commission hasn't gotten a lot of facts. The applicants told the Commission what they thought it was going to be; but there are no facts. There may be more people firing but fewer shots but there are no facts to base it on and no plan to look at.

Mr. Skaggs asked the timeframe that the applicants could come back to the Commission.

Chairperson Smith stated that it depends on what the applicants ask.

Mr. Skaggs stated that if the applicants gave the Commission a diagram of exactly how the range is going to be constructed.

Chairperson Smith stated that the Commission doesn't have the frame work to use that at this point.

Mr. Skaggs asked how the applicants present what the Commission wants to see.

Commissioner Mink stated that even if the applicants presented a plan there is no planned recreation zoning so the plan is not going to be binding to the zoning.

Commissioner Sloan stated that the Commission made the Knights of Columbus very unhappy when they came to the Commission for the same kind of thing and the Commission had to say no. The Knights of Columbus stated that they would never sell this land, we will never do this and will never do that; the applicants tonight are saying the same thing. The fact of the matter is if something happened and the applicants decided to sell this land and it was zoned straight recreational zoning there are a lot of things that could happen and the Commission couldn't do anything about it. Just like now the Commission can't go back and restrict the hours for what the applicants are doing because this is something that was granted 25 years ago. There is nothing the Commission can do to prevent something happening down the road. Commissioner Sloan stated that there is a flaw in the system and the County is trying to rectify it.

Mr. Skaggs stated that the applicants have presented their case and have discussed it quite a bit and the ball is in the Commissions court.

Commissioner Sloan stated that the applicants are welcome to withdraw their application; Commissioner Sloan stated that she was going to make a motion to deny the request.

Mr. Wilson asked the benefit of withdrawing the application.

Mr. Shawver stated that if the applicants withdraw their application they can not go before the County Commission.

Mr. Skaggs stated that he did not wish to withdraw the application.

Commissioner Sloan made and Commissioner Heitkamp seconded a motion to deny the request by C. T. Wilson family Trust on behalf of Green Valley Rifle & Pistol Club, Inc. to rezone from A-1 / A-2 (Agriculture) to REC (Recreation) of 35 acres, more or less, located at 4200 Academy Rd. Hallsville.

Pat Smith – Yes  
Mike Morgan – NO  
Mary Sloan – Yes  
Keith Neese - Abstain

Mike Caruthers - NO  
Kristen Heitkamp - Yes  
David Mink – Yes

Motion to deny request carries.            4 - YES            2 - NO            1 - Abstain

Chairperson Smith informed the applicants that if they wished to appeal this decision to the County Commission an appeal form will need to be filed within 3 working days.

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- 5. Request by Susan Turner to rezone from A-1 to A-1/PRD and to approve a Review Plan and a plat for Turner’s Estate Planned Residential Development, on 10 acres located at 8080 Hwy AB, Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located off a private driveway approximately 2000 feet south of where the private driveway intersects State Route AB. This intersection is approximately 2 miles east of the intersection of Highway 63 and State Route AB. This property is located approximately 2 & 1/2 miles north of the recently altered Ashland municipal limits. The current zoning for the site is A-1 (agriculture) as is all the surrounding property and all the zoning is the original 1973 zoning. The property is currently the site of a single family house and garage. This request is to rezone the property to A-1/PRD (A-1 planned residential development). The proposal is to rezone the entire 10-acre tract to A-1/PRD so that a lot with the existing house, garage, and lagoon wastewater system will be on a 2&1/2 acre lot with the remaining 7&1/2 acre lot being transferred to an adjoining property. No additional density is created by this rezoning and no additional dwelling units can be proposed. The planning director has determined that the department will treat the entire 10-acres as a single unit for purposes of the subdivision regulations with respect to the size of lot that can be created that is served by a private easement. This determination is partially based upon the fact that the 7&1/2 acre lot cannot have any development no dwelling placed upon it, the lot is for agricultural activity only and a not to this effect is on both the plat and review plan. This site is within the City of Columbia School District and the Southern Boone County Fire Protection District. The site is located in Boone Electric Cooperative and Consolidated Public Water Service District #1 service areas. Fire hydrants are not required for this land use. There is a 2” waterline serving the area. Sewage is proposed to be by the existing system serving the existing house and as no additional dwelling units can be proposed is not an issue. The master plan designates this area as being suitable for agricultural and rural residential uses. The proposed use is consistent with the master plan. The request scores 21 points on the point rating scale. Staff notified 11 property owners.

Staff recommends approval of the rezoning, review plan, and plat subject to the following recognition.

1. That it be recognized that Lot 1, the 7&1/2 acre lot being created, must be transferred to an adjoining property and is not able to be utilized except for agricultural activity and furthermore no dwelling unit is allowed on this lot.

Present: Susan Turner, 8080 Highway AB, Columbia.

Ms. Turner stated that she has requested this rezoning because the 10-acres that she currently owns has included in it her son-in-law and daughters alleys to feed their short horn cattle. Ms. Turner stated that if she sells her entire 10-acres they will have to build new pathways to feed the cattle; applicant wants the property to remain agricultural and the way to do that is to rezone 2 1/2 acres with the house to sell and to convey to her daughter 7 1/2 acres to allow them to continue the farming operation that they currently have.

Commissioner Caruthers stated that this property is supposed to be transferred to family.

Ms. Turner stated yes, her daughter and son-in-law.

Commissioner Caruthers stated that it states that it will be transferred to an adjoining owner; does the daughter currently own property there.

Ms. Turner stated yes. Initially her daughter bought 60 acres, three years subsequent to that applicant bought 10-acres of the 60, applicant's husband has since died and applicant needs to move to something smaller.

Commissioner Caruthers stated that the potential buyer is Don Mayse.

Ms. Turner stated that he is her son-in-law.

Open to Public Hearing.

Present speaking in favor of the request:

Marylou Mayse, daughter to applicant, 8090 E. Highway AB, Columbia.

Ms. Mayse stated that she is the adjoining land owner and Ms. Turner is going to deed to Ms. Mayse the 7-acres. Those 7-acres will adjoin the 20-acre lot where Ms. Mayse is living now. She is in support of the rezoning.

No one spoke in opposition to the request.

Closed to Public Hearing.

Commissioner Mink stated that the road easement was going to be a private road but it looks like there is easement for a future public road.

Mr. Yonke stated that there is no public road easement. The property that Ms. Turner owns is served by a private access road. Eventually that access road hits the public road but there is no frontage on the other so it is not changing the status of the existing piece. There is no public road impact. When public works reviewed the dedications is just private driveway dedication, it is not a public easement.



Commissioner Caruthers made a motion to approve the rezoning, review plan, and the plat subject to the condition: that it be recognized that Lot 1, the 7&1/2 acre lot being created, must be transferred to an adjoining property and is not able to be utilized except for agricultural activity and furthermore no dwelling unit is allowed on this lot.

Commissioner Caruthers made and Commissioner Heitkamp seconded a motion to **approve with staff recommendations** the request by Susan Turner to rezone from A-1 to A-1/PRD and to approve a Review Plan and a plat for Turner's Estate Planned Residential Development, on 10 acres located at 8080 Hwy AB, Columbia.

Pat Smith – Yes	Mike Caruthers - Yes
Mike Morgan – Yes	Keith Neese - Yes
Mary Sloan – Yes	David Mink – Yes
Kristen Heitkamp - Yes	

Motion to approve request carried unanimously.

Chairperson Smith informed the applicants that this matter would go before the County Commission at 7:00 p.m., March 4, 2003.

## **PLANNED DEVELOPMENTS**

1. Request by Witt Enterprises, LLC to approve a Review Plan for Witt Enterprises Industrial Park on 5.12 acres located at 1401 E Prathersville Rd., Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located on the north side of Prathersville Road approximately 750 feet east of the intersection of Highway 763 and Prathersville Road. This property is located adjacent to a small portion of the municipal limits of the City of Columbia to the south across Prathersville Road. The current zoning for the site is R-M (residential moderate density) original 1973 zoning with a pending zoning of M-LP; the pending zoning was approved in December of 2001. The property to the immediate south that is outside of the City is zoned M-L. Property to the west and north is zoned R-M (residential moderate density). The existing R-M and M-L zonings are original 1973 zonings. Property to the east is zoned M-LP and was rezoned from R-M in 1995. The property is currently the site of a vacant house and several out-buildings which are to be removed. This request is to place 8 commercial/industrial buildings of 5000 square feet each on the site. A list of the requested uses has been provided and is contains 15 items. If approved the list of permitted uses will need to be placed on the face of the review and final plans. It should be noted that even though contractor's buildings and storage yards are listed, no storage yard areas are shown on the plan and therefore storage yards are not allowed as the plan is presented similarly any other use requiring external storage is not allowed as presented This site is within the City of Columbia School District and the Boone County Fire Protection District. The site is located in Boone Electric Cooperative and City of Columbia water service areas. Water service and fire hydrants are required for this land use and waterline upgrades or extensions may be needed. Sewage is proposed to be by an on-site sub-surface wastewater collector system that will be regulated by DNR. It may be possible to connect to the BCRSD or City of Columbia wastewater systems in future but at the current time both jurisdictions indicate that this is not possible. If approved, the review plan should be subject to

stormwater and erosion control plan approval from the NRCS. The NRCS has strong concerns with regards to the stormwater and erosion impacts of the proposal and feels the proposal is too intensive. Staff does believe that the stormwater/erosion control measures should be addressed in greater detail. The request scores 73 points on the point rating scale. Staff notified 50 property owners.

Staff recommends approval of both the rezoning and review plan subject to the following 4 conditions.

1. A list of the requested uses has been provided and is contains 15 items. The approved list of permitted uses be placed on the face of the review and final plans. It should be noted that even though contractor's buildings and storage yards are listed, no storage yard areas are shown on the plan and therefore storage yards are not allowed as the plan is presented similarly any other use requiring external storage is not allowed as presented
2. That it is recognized that all drive and parking areas are required to be a minimum of a chip seal surface. Also, that parking is diagrammatic on the plan and that additional parking may be required by the actual size and use of the buildings.
3. That a stormwater and erosion control plan that addresses concerns with respect to these issues be acceptable to the NRCS, County Public Works, and Planning Departments and that it is further recognized that some detention/retention measures and developer improvements such as the culvert under Prathersville Road are developer's costs, such changes can be made to the plan with the planning director's approval with the added understanding that the director can determine the changes as significant and require resubmittal and approval of a revised review plan.
4. That the landscaping plan will be subject to conditions as it is being proposed to accompany the final plan.

Present: Ron Shy, Allstate Consultants, 5600 S. Highway KK, Columbia.

Jim Pellock, 11235 Old Rocheport Road, Rocheport.

Brent Mehrhoff, 14600 Rocheport Gravel Road, Rocheport.

Jamie Jeffries, Allstate Consultants, 7775 Deer Valley Ln., Columbia.

Mr. Shy stated that he is representing the applicants. Mr. Shy stated regarding the parking the applicants realize that should some of these other uses require additional parking the applicants believe they have ample surface area to create some additional parking area. At the present time because of the unknown use of who the tenants are going to be it is difficult to address that in its entirety. As the buildings are leased the applicants will be able to show that they will have the parking that is required. Applicants have discussed the water service with the city of Columbia and WIT Enterprises will have to upgrade an 8-inch line to the area at his expense in order to get the fire protection required for the fire department. The wastewater treatment is a big issue as far as the applicants are concerned. Presently there is an 8-inch public main that is nearly adjacent to the property on the Apac property to the east. Applicants have been told by the Regional Sewer District that the applicants are not allowed to hook on to that line although it is a public main because there is no additional capacity in the wastewater treatment lagoon that treats the sewage from this line. The City last year ran an interceptor up to intercept the effluent from this wastewater collection line and it is within 50-feet of the lagoon but for some reason there has never been an agreement on how the mechanics of that connection be made. That is not in the applicants power to do so Mr. Shy urged the Commission to try and do what they can to make that happen. The applicants have similar problems in other areas of the County as well. Mr. Shy stated that he feels that at some point the applicants will be able to hook on to the sewer system even though they can not do it

right now. The owner is willing to put in his own design; it will require a discharge permit from DNR to do so; that is not what the applicants want to do but will if they have to.

Mr. Shy stated that as far as the storage yard issues the applicants didn't want unlimited storage on the whole area. What the owner envisions as tenants for this development would be some intermittent outside storage if that is allowed, if not and that is significant then the applicants will amend their plan when the time comes. The owner doesn't desire any permanent outside storage anywhere. Staff's NRCS comments; this particular tract is about 5 acres. The applicants are proposing leaving about 48 percent in an impervious or natural state. The applicants are within 600-feet of being the very upper end of this water shed.

Mr. Shy presented an aerial photograph and pointed out the two 18-inch pipes, the location of where a 24-inch pipe enters the property on the east; the location of effluent that discharges on to the site from an existing lagoon on the northwest corner. Mr. Shy pointed out the drainage area and stated that the applicants would work with public works to address the problem.

Mr. Shy stated that he believes that it is unfair to ask the developers to bear the cost of all of the expenses incurred in replacing the pipe with a larger structure. Mr. Shy stated that he didn't believe that enough detention could be added to the site to completely solve the problem. Applicants feel that they will have to pipe the water to intercept it to get it to a swale on the east side of the property.

Mr. Pellock stated that what the applicants were trying to accomplish is to fulfill the needs to establish portable space for businesses like the applicants that would be in a place that would be suitable based on other usages in the area and to be affordable as well. Mr. Pellock stated that when his business moved out of his house in to commercial rental property it was a surprise of what it would cost to have a place to operate his business. Mr. Pellock stated that he knows that talking with peers or colleagues that it is a chronic problem and it would fulfill a need. There is a lot of water coming on to the property now that the applicants were re routing and the applicants bought the land and were hoping to work with the powers that be to make everybody happy and fulfill their needs and work with the surrounding area to be a good neighbor. There is a neighbor that the applicant's property surrounds; there is an easement down one side that has affected the applicant's usage quite a bit and they seem to be restricting what the applicants are able to do. The house that is surrounded by the applicants property can not hook on to the sewer, they currently use a sub standard lagoon that is on the property now and the applicants have made arrangements with Mrs. Crawford to service her sewage until the future connection issue is resolved.

Commissioner Caruthers asked the plan in servicing the sewage until the applicants can connect.

Mr. Pellock stated some sort of class A aerated tank that would treat the sewage to a level such as the bar that is to the west where they have the same system where there are a lot of people in there and use a lot of water and they are draining in to the ditch along highway 763 as it enters on to highway 63. That type of system where it would treat the sewage to a point where it would be suitable for above ground effluent discharge with a DNR permit.

Commissioner Neese stated that he noticed the applicants had a monument sign. Commissioner Neese asked if that was going to be a hanging sign or is it going to be a posted sign.

Mr. Pellock stated that as the monument sign would direct people to the buildings and on the end of each building there would be two units, an A and a B and a sign for each on the building.

Commissioner Caruthers stated that at first glance the plan looks like a storage facility but this is going to be more or less like a strip mall to run offices in.

Mr. Pellock stated that it is mainly small office and warehouse. Applicants did have a drawing of the building done by an architect of what an initial concept of what the buildings would be like. They are designed to be warehouse space with a very small office. Mr. Pellock stated that if there was a larger space requirement for a tenant there could be fewer tenants.

Commissioner Mink asked if these were just open warehouse type buildings or are they heated and air conditioned.

Mr. Pellock stated that there would be very modest heating and cooling requirements in the small offices. The plan was done by the architect on very short notice and the offices may exceed the size shown on the plan. The firewall would be designed as a wet wall between the two for the water. Mr. Pellock stated that he thinks they were going to be all electric as far as just small air conditioning. The inside of the buildings themselves would probably be insulated but no real heating apparatus installed; that would need to be done by the tenant as needed.

Commissioner Sloan stated that on the conditions that has recommended there could not be any outside storage.

Mr. Yonke stated that the intent on that is that there is no long term or permanent storage. For the delivery of materials that may sit outside for a week or two weeks after being delivered staff would have to get a complaint call within that period of time and staff would go out and check it and send them a letter telling them they need to have the materials removed and give them 30 days to do it. In reality, the time frame we are talking about is for temporary storage; it is probably reasonable now if that material moves and more material comes in and we have a chronic problem with exterior storage. Mr. Yonke stated that staff wanted to make clear that there is no permanent storage area there.

Commissioner Sloan stated that the applicants submitted the list so this is what the applicants want to go with.

Mr. Yonke stated that the applicants submitted a list of permitted uses. We would have whatever uses of that if the Commission approves it without changing any of that then that list gets put on. If the Commission strikes some of those uses then whatever the Commission approves gets put on. If the Commission doesn't change anything then it would be that list of 15 uses that would be submitted as a separate document would go on the plan as a note.

Commissioner Neese stated that the plan is a good design. Going back to the list that staff recommended; are the applicants in agreement with the exception of the item 3 regarding the culvert?

Mr. Shy stated that he mentioned that because that could be pretty open ended. Mr. Shy stated that he didn't think it was fair for one particular guy to solve the problem that exists now.

Mr. Yonke stated that staffs intent is that the applicants be put on notice that there could be some off site improvement costs involved with the impervious surface and other percentage based upon their development. Theoretically the Commission can't really access them for anything higher than their proportionate amount of impact; mainly the intent is to put the applicants on notice that there could be some costs involved with off site improvement and that would have to be worked out between the applicants engineer and public works.

Mr. Shy stated that was his point too; Mr. Shy stated that he would welcome that because the applicants don't want a problem there either.

Commissioner Caruthers asked the estimated build out time.

Mr. Pellock stated that from the time the applicants get approved the applicants can not proceed with the budgeting with the bank until the applicants have some sort of basis to go on.

Commissioner Caruthers asked if the applicants were given approval today, what would be the approximate build out time.

Mr. Pellock stated that the applicants would look to get their permits as soon as possible. The applicants were looking at doing three buildings in the first phase and then maybe a fourth; the build out time for that would probably be two years.

Commissioner Caruthers asked Commissioner Mink if he had any comments regarding the realignment of that particular intersection.

Commissioner Mink stated that public works have been working with MoDOT looking at ways to improve the intersection with Prathersville Road and Highway 763; one of the ideas was to start bending Prathersville to the north and come in at a straighter angle; that bend would not start until it passed the pipe which is east of that so it probably would not be a big impact on that future realignment. It looks like the applicants have set back and made room for that realignment.

Mr. Yonke stated that the applicants are not platting so there is no additional right of way dedication but they are back far enough for potential right of way acquisition.

Commissioner Mink stated that if there are stormwater improvements the applicants would pay a part of and the County has to pick up part of it if the applicants are two or three out from completion that might work better than if the applicants were going to finish it all this summer that would create a problem.

Mr. Pellock stated that the applicants goal is to not just throw all this stuff up and hope for the best; the applicants want to bring it along slowly and have people ready to move in and make it affordable for the applicants. It is an investment but it is also a very expensive project for the applicants and it needs to be brought along in a manner that is affordable. That does allow for some of the problems to work themselves out.

Commissioner Caruthers asked if that would have to be covered in a review plan and final plat.

Mr. Yonke stated that as a planned development the applicants can do this as one piece of property as it exists now as a single piece of property with multiple leased spaces and the Commission gets a shot at it as a review plan whereas other things that have platting that creates separate lots and easements are given; there is no requirement that the applicants plat this in to a separate lot.

Commissioner Caruthers stated that under the current request and adding two or three buildings....

Mr. Yonke stated that the applicants can't add any buildings. As a planned request the applicants have to go according to the plan.

Commissioner Mink stated that if the applicants and public works were to come to an agreement on the cost of the culvert replacement would it be possible that a donation of right of way could count toward that as a credit toward that.

Mr. Yonke stated that his assumption is that staff wants the applicants to be aware that there can be off site costs that will have to be negotiated with public works. That is up to the applicants and public works to work out.

Mr. Shy stated that the staff report stated that there are eight 5000 square buildings, actually the two to the north are 1250 square feet bigger than that, they are 125 by 50-feet.

Commissioner Caruthers made and Commissioner Mink seconded a motion to **approve with staff recommendations** the request by Witt Enterprises, LLC to approve a Review Plan for Witt Enterprises Industrial Park on 5.12 acres located at 1401 E Prathersville Rd., Columbia.

Pat Smith – Yes	Mike Caruthers - Yes
Mike Morgan – Yes	Keith Neese - Yes
Mary Sloan – Yes	David Mink – Yes
Kristen Heitkamp - Yes	

Motion to approve request carried unanimously.

Chairperson Smith informed the applicants that this matter would go before the County Commission at 7:00 p.m., March 4, 2003.

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2. Request by Nichols Peckham to approve a Final Development Plan for Old Plank Village located at 1851 W Rte K, Columbia.

Mr. Florea stated that this is a final plan of a review plan that the Planning and Zoning Commission approved in November 2002. It went forward to the County Commission and the County Commission deleted one of the conditions that the Planning and Zoning Commission acquired; therefore the whole plan has to come back before the committee for approval. The condition that the County Commission deleted was that due to concerns with consolidated water district number one the landscape berms adjacent to Route K shall be deleted from the plan or relocated so as to be outside the thirty foot utility easement. This condition was removed by the County Commission. There aren't any issues to discuss. The final plan meets the review plan; staff has added notes to ensure compliance with the conditions that remain.

Mr. Florea gave the staff report stating that the site is situated on the north side of State Highway K across from both the intersection of Coneflower Avenue and State Route K and the intersection of Newtown Avenue and State Route K. The property is also immediately south of a portion of Gateway South Subdivision and immediately adjacent to the Columbia city limits to the west.

The 15-acres comprising this request are zoned R-S (residential single-family). The Planning and Zoning Commission recommended approval of a rezoning to RS-PRD with Review Plan and Preliminary Plat in November 2002. Subsequently, the County Commission approved the Preliminary Plat and Review Plan. The County Commission required one change to the review plan.

Boone County Regional Sewer District will provide sewer treatment for this property at a district facility south of Cedarbrook Subdivision. The sewer access will be by connection to the collection system within NewTown. There is available capacity in the Cedarbrook system for this development.

Consolidated Public Water District No. 1 provides water service in this area. There is an eight-inch and a four-inch water main available at the property.

This site scored 70 points on the point rating system.

The recommendation from the Planning and Zoning Commission included the following conditions:

1. The following items from the project narrative shall be incorporated into the plan; the review plan shall be modified to include them as notes:

- The project shall be designed so as to incorporate disconnected impervious surfaces to the maximum extent practicable.
- Impervious area within the development shall be kept to less than 30%

2. Prior to any grading or clearing, the developer must provide proof to the County that a land disturbance permit has been issued for the site by the Missouri Department of Natural Resources.

3. Prior to construction of a duplex on Lot 22 or conversion of the home on Lot 22 to a duplex or two-family dwelling the developer must demonstrate that an additional unit of sewer service has been purchased from the Boone County Regional Sewer District.

4. The developer shall work with Missouri Department of Transportation to ensure that sight distance standards are met.

5. The developer shall provide the Missouri Department of Transportation with hydraulic calculations with respect to the proposed detention facility.

6. Due to the concerns of Consolidated Water District Number 1, the landscape berms adjacent to Route K shall be deleted from the plan or relocated so as to be outside of the 30-foot utility easement.

The County Commission required condition number 6 to be removed. The plan has been amended to reflect that change. Staff recommends approval of the plan.

No one present to represent the request.

Open to public hearing.

No one spoke in favor of or in opposition to the request.

Closed to public hearing.

Commissioner Caruthers made and Commissioner Heitkamp seconded a motion to **approve with staff recommendations** the request by Nichols Peckham to approve a Final Development Plan for Old Plank Village located at 1851 W Rte K, Columbia.

Pat Smith – Yes	Mike Caruthers - Yes
Mike Morgan – Yes	Keith Neese - Yes
Mary Sloan – Yes	David Mink – Yes
Kristen Heitkamp - Yes	

Motion to approve request carried unanimously.

## **PLAT REVIEWS**

1. Old Plank Village Plat 1. S10-T47N-R13W. R-S/PRD. Nicholas and Diane Peckham, owners. Jay Gebhardt, surveyor.

The following staff report was entered in to the record:

The site is situated on the north side of State Highway K across from both the intersection of Coneflower Avenue and State Route K and the intersection of NewTown Avenue and State Route K. The property is also immediately south of a portion of Gateway South Subdivision and immediately adjacent to the Columbia city limits to the west. The property is zoned RS-PRD.

A single-family dwelling, garage, and an outbuilding occupy the property. There is both 100-year Floodplain and Floodway present on the property. The site slopes downward from north to south towards Route K.

Boone County Regional Sewer District will provide sewer treatment for this property at a district facility south of Cedarbrook Subdivision. The sewer access will be by connection to the collection system within NewTown. There is available capacity in the Cedarbrook system for this development.

Consolidated Public Water District No. 1 provides water service in this area. There is an eight-inch and a four-inch water main available at the property.

This site has 70 points on the point rating system.

Staff recommends approval of the plat subject to the following conditions:

1. The developer shall submit, for approval by the Director, Covenants and Restrictions to ensure enforcement of the following items:
  - The project shall be designed so as to incorporate disconnected impervious surfaces to the maximum extent practicable.
  - Impervious area within the development shall be kept to less than 30%



After approval by the Director, the Covenants and Restrictions shall be referenced on the plat and recorded concurrently with the plat.

Commissioner Heitkamp made and Commissioner Mink seconded a motion to **approve with staff recommendations** the plat of Old Plank Village Plat 1. S10-T47N-R13W. R-S/PRD. Nicholas and Diane Peckham, owners. Jay Gebhardt, surveyor.

Pat Smith – Yes	Keith Neese – Yes
Mike Caruthers – Yes	David Mink – Yes
Mary Sloan – Yes	Kristen Heitkamp - Yes
Keith Neese - Yes	

Motion to approve plat carries unanimously.

\* \* \* \* \*

- Northwest Estates. S4-T46N-R12W. A-2. Bruce and Connie Bauer, owners. Bill R. Crockett, surveyor.

The following staff report was entered in to the record:

This property is located 1 ½ miles northwest of Ashland on Biggs Road, 1200 feet west of State Highway DD. This property was rezoned from A-1 (Agriculture) to A-2 in September 2002. The property is currently vacant but it has been used for agricultural purposes.

A preliminary plat for this property was approved in November 2002. The developer has opted not to develop a major plat and has submitted a three lot minor plat in its place.

Lots 1 and 2 will have frontage on and access to Biggs Road. Lot 3 will be served by a private access easement. Right of way, sufficient to provide a 33-foot half-width is being dedicated by this plat. A waiver of the requirement to provide a traffic analysis was granted with the approval of the preliminary plat.

Consolidated Public Water District Number 1 provides water service in this area. There is a four-inch main available to the property.

On site wastewater systems will be used for wastewater treatment. A plan showing a suitable location for such a system, on each lot, has been submitted and is on file.

The property scored 36 points on the rating system.

Staff recommends approval of the plat and waiver request subject to the following condition:

- The easement providing access to Lot 3 shall be recorded concurrently with the plat and referenced on the plat.

Commissioner Heitkamp made and Commissioner Mink seconded a motion to **approve with staff recommendations** the plat of Northwest Estates. S4-T46N-R12W. A-2. Bruce and Connie Bauer, owners. Bill R. Crockett, surveyor.

Pat Smith – Yes	Keith Neese – Yes
Mike Caruthers – Yes	David Mink – Yes
Mary Sloan – Yes	Kristen Heitkamp - Yes
Keith Neese - Yes	

Motion to approve plat carries unanimously.

\* \* \* \* \*

3. Silver Forks Estates Plat 2. S27-T50-N13W. A-2. Phillip Blom, Darren and Sandra Freese, owners. C. Stephen Heying, surveyor.

The following staff report was entered in to the record:

The property is located on the north side of Route VV, approximately 2.5 miles west of US 63.

Lot 6 has frontage on and access to Route VV. Lot 5 has access to Route VV via a stem; however the stem is encumbered by a nonexclusive access easement. Lot 4 is provided access to Route VV by the same access easement as Lot 5.

The subdivision regulations allow minor plats consisting of lots that are five acres or greater where each lot has access to and frontage upon a public road or has a common private driveway situated on and created for the exclusive use of no more than four lots providing ingress and egress to a public road.

A previously recorded easement recorded in Book 1780 Page 432 of the Boone County Records provides access to the lots. A review of that document indicates that the easement was created as a nonexclusive easement for the purpose of providing access and utilities for seven separate tracts. Therefore, the easement does not meet the standard of being for the exclusive use of no more than four lots. The applicant has drafted a new easement that meets the requirements of the subdivision regulations.

Consolidated Public Water District Number One provides water service in this area.

On site wastewater systems will be used for sewage disposal. A plan showing a suitable location for a lagoon on each lot has been submitted and is on file.

The property scored 28 points on the rating system.

Staff recommends approval of the plat subject to the following condition:

The easement recorded in Book 1780 Page 432 must be vacated and a new easement, meeting the requirements of the subdivision regulations, must be recorded concurrently with the plat.

Commissioner Heitkamp made and Commissioner Mink seconded a motion to **approve with staff recommendations** the plat of Silver Forks Estates Plat 2. S27-T50-N13W. A-2. Phillip Blom, Darren and Sandra Freese, owners. C. Stephen Heying, surveyor.

Pat Smith – Yes	Keith Neese – Yes
Mike Caruthers – Yes	David Mink – Yes
Mary Sloan – Yes	Kristen Heitkamp - Yes
Keith Neese - Yes	

Motion to approve plat carries unanimously.

\* \* \* \* \*

- 4. Mo Mules Estates. S34-T50N-R13W. A-2. Jerry and Ryan Stone, owners. Curtis E. Basinger, surveyor.

The following staff report was entered in to the record:

This 1 lot minor plat is located on the north side of Botner Road approximately 200 feet west of the intersection of Gilbert Road and Botner Road. The site is 6 miles north of the municipal limits of the City of Columbia. The area being subdivided contains 3.04-acres out of a 53.50 acre parent parcel. The property is zoned A-2 (agricultural) as is all the surrounding property. All these zonings are the original 1973 zonings. The property is currently vacant. Sewage treatment will be provided by an on-site wastewater system and an appropriate wastewater plan is in the file. Any on-site wastewater system must meet all County Health Department requirements. The site is in Consolidated Public Water District #1. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the Columbia School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 16 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests.

Commissioner Heitkamp and Commissioner Mink seconded a motion to **approve with waiver requests** the plat of Mo Mules Estates. S34-T50N-R13W. A-2. Jerry and Ryan Stone, owners. Curtis E. Basinger, surveyor.

Pat Smith – Yes	Keith Neese – Yes
Mike Caruthers – Yes	David Mink – Yes
Mary Sloan – Yes	Kristen Heitkamp - Yes
Carl Freiling - Yes	Keith Neese - Yes

Motion to approve plat carries unanimously.

\* \* \* \* \*

5. Rose Acres. S18-T48N-R13W. A-2. Donald and Helen Rose, owners. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The property is located on the south side of Route UU approximately 1 ¼ miles south of I-70.

The lot has frontage on and access to Route UU. There is an eighty-foot right of way width for Route UU at this location. Therefore, no additional right of way is being dedicated by this plat. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Consolidated Public Water District Number 1 provides water service to the property.

An on site wastewater system will be used for sewage disposal. A plan showing a suitable location for such a system has been submitted and is on file. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

An administrative survey of the proposed lot to the east will be recorded concurrently with the plat.

The property scored 53 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Commissioner Heitkamp and Commissioner Mink seconded a motion to **approve with waiver requests** the plat of Rose Acres. S18-T48N-R13W. A-2. Donald and Helen Rose, owners. J. Daniel Brush, surveyor.

Pat Smith – Yes	Keith Neese – Yes
Mike Caruthers – Yes	David Mink – Yes
Mary Sloan – Yes	Kristen Heitkamp - Yes
Keith Neese - Yes	

Motion to approve plat carries unanimously.

## **OLD BUSINESS**

Mr. Shawver updated the Commission the decisions by the County Commission:

The Carlos conditional use permit for an animal training and boarding facility was approved by the County Commission as recommended.

The Crane's did not appeal the denial of the rezoning request and returned tonight with a A-2 PRD request.

The Benevolent Association rezoning request was approved by the County Commission as recommended.

## **NEW BUSINESS**

Mr. Shawver asked the Commission Members to turn in their calendars so that they can be put together and find out who is available when and coordinate meeting places and start to advertise public hearings for the proposed zoning ordinance changes.

Chairperson Smith asked if there are any requirements on who attends which meetings.

Mr. Shawver stated no; however, for the individual township meetings the Commissioner who represents that township should be present. If the Commissioners want to attend another township meeting they are welcome.

Commissioner Sloan stated that she believes that as a show of support and also it is good forum for Commissioners to show up not only in their own township meeting but at least one or two others.

Mr. Shawver stated that the City of Huntsdale has filed an election petition to have a municipal election in April to reestablish their incorporation and they will no longer be under the County's jurisdiction.

## **ADJOURN**

Being no further business, the meeting was adjourned at 11:20 p.m.

Respectfully submitted,

Mary Sloan,  
Secretary

Minutes approved on this 20th day of February, 2003.